

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

DEBORAH R. SHAW

V

PEOPLES GAS LIGHT AND COKE
COMPANY

Complaint as to billing/charges)
in Chicago, Illinois.)

No. 11-0737

Chicago, Illinois

June 28, 2012

Met pursuant to notice at 11:00 a.m.

BEFORE :

MS. BONITA BENN, Administrative Law Judge.

APPEARANCES:

MS. DEBORAH R. SHAW
8157 South Fairfield
Chicago, Illinois 60652
appearing pro se;

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APPEARANCES: (Continued)

PUGH, JONES & JOHNSON, PC, by
MS. KATHLEEN R. PASULKA-BROWN
180 North LaSalle Street
Suite 3400
Chicago, Illinois 60601
appeared for Respondent.

ALSO PRESENT:

MS. CINDY HOOD
Representative of Peoples
Gas Light and Coke Company

SULLIVAN REPORTING COMPANY, by
Teresann B. Giorgi, CSR

1	<u>I N D E X</u>						
2	<u>Witnesses:</u>	<u>Nar.</u>	<u>Dir.</u>	<u>Crx.</u>	<u>Re-</u> <u>dir.</u>	<u>Re-</u> <u>crx.</u>	<u>By</u> <u>Exmr.</u>
3							
4	Deborah Shaw			51			53
5							
6	Soledad Barragan (Recalled)	63		95	106 117 123	122	123
7							
8							
9	<u>E X H I B I T S</u>						
10	<u>COMPLAINANT'S</u>	<u>FOR IDENTIFICATION</u>				<u>IN EVIDENCE</u>	
11	1			30			31
	2						50
12	3						61
	4						116
13							
14	<u>RESPONDENT'S</u>						
15	1			27			28
	2			40			45
16	2-A			46			94
	3			71			77
17	4			81			86
	5			87			89
18	6			116			123
19							
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21							
22							

1 JUDGE BENN: Pursuant to the direction
2 of the Illinois Commerce Commission, I now call
3 Docket No. 11-0737. This is Deborah R. Shaw versus
4 Peoples Gas Light and Coke Company, a complaint as
5 to gas charges in Chicago, Illinois.

6 Can I have the Complainant introduce
7 herself for the record, please.

8 MS. SHAW: My name is Deborah Shaw.

9 JUDGE BENN: And your address, please.

10 MS. SHAW: 8157 South Fairfield Avenue, Chicago,
11 Illinois 60652.

12 JUDGE BENN: And, Counsel?

13 MS. PASULKA-BROWN: Kathleen Pasulka-Brown on
14 behalf of Peoples Gas Light and Coke Company,
15 Pugh, Jones & Johnson, P.C., at 180 North LaSalle,
16 Suite 3400, Chicago, Illinois 60601, phone number is
17 312-768-7800.

18 JUDGE BENN: And who do you have with you as a
19 witness?

20 MS. PASULKA-BROWN: From Peoples Gas I have
21 Soledad Barragan and also Cindy Hood, she will not
22 be testifying.

1 JUDGE BENN: Okay. And you will be serving as
2 your own witness, Ms. Shaw?

3 MS. SHAW: I will.

4 JUDGE BENN: At this point I'm going to swear
5 you in and then give you an opportunity to give an
6 opening statement.

7 (Witness sworn.)

8 JUDGE BENN: Ms. Shaw, can you give us a
9 brief -- excuse me, before we move on there, I'm
10 sorry.

11 Counsel has filed two motions in
12 limine regarding this complaint, one relating to the
13 charges as they relate to 8157 South Fairfield
14 Avenue and another one as to your request for
15 monetary and punitive damages.

16 I do have a couple questions for
17 Ms. Shaw regarding the 8157 South Fairfield address,
18 or Counsel from ComEd, whoever is able to answer it.

19 MS. PASULKA-BROWN: Peoples Gas, your Honor.

20 JUDGE BENN: Peoples Gas. I'm sorry.

21 MS. PASULKA-BROWN: That's okay.

22 JUDGE BENN: Whoever will be able to answer the

1 purported amount of 1822.77, which Respondent has
2 alleged is attributable to the 8157 South Fairfield
3 address.

4 MS. PASULKA-BROWN: I can respond to that.

5 JUDGE BENN: Can you tell me what are the
6 timeline for the charges.

7 MS. PASULKA-BROWN: First, let me back up just
8 one second.

9 JUDGE BENN: Sure.

10 MS. PASULKA-BROWN: I have that figure because
11 in the complaint filed by Ms. Shaw, she first
12 references a bill from October of 2010, in the
13 amount of \$2,713.27, then claims to be challenging a
14 lesser amount of 2,586.72. And based on the
15 documents attached to our motion in limine, it's
16 clear that the charges that are being disputed,
17 which relate to charges transferred from the
18 Aberdeen address, the address that she says she's
19 contesting, are \$763.95. And because of that, the
20 balance of the 2586.72 minus the actual Aberdeen
21 transfer charges, that are the only charges in
22 dispute, is the 1822 figure in our motion.

1 And because there is no dispute and no
2 contention about not having requested service at
3 Fairfield and Fairfield is the address to which that
4 \$1822 relates, then there's no dispute and no
5 alleged contention that those were improper charges
6 at the Fairfield address. The complaint just reads
7 that it's questioning a transfer charges from
8 Aberdeen and those are 753.95.

9 JUDGE BENN: Okay. And my question regarding
10 the 1822.77 is --

11 MS. PASULKA-BROWN: The time frame.

12 JUDGE BENN: -- the timeline. If those are the
13 current charges, what is the timeline?

14 MS. PASULKA-BROWN: That was -- I could go
15 through the documents and find you specific dates,
16 if I need to, but it's basically about 2001 through
17 2010, and that's another point of reference when you
18 look at the complaint because she's challenging the
19 charges 1989 to 1994, which are all related to the
20 Aberdeen charges.

21 JUDGE BENN: Ms. Shaw --

22 MS. SHAW: Yes.

1 JUDGE BENN: -- do you have any dispute as to
2 the timeline --

3 MS. SHAW: I do.

4 JUDGE BENN: -- of the 1822.77?

5 MS. SHAW: Yes, I do. That would actually cover
6 a period between, I'm going to say, 2007 and '10. I
7 do have the original bill -- the original statements
8 from that time that would agree with my statement.

9 And in regards to the original
10 dispute, which is what we're here for, yes, it
11 was -- I agree that the original dispute was in
12 regards to a bill that was -- supposedly I was
13 charged for -- from 19- -- I believe they said, -'89
14 through '94. I still see where the two as being
15 gelled together. So I need some clarification.

16 JUDGE BENN: So at the time -- whether the
17 question is 2001 or 2007, when the bulk of these
18 charges came into play, did you ever dispute that
19 amount or any portion of it?

20 MS. SHAW: I disputed the original portion. I
21 never disputed the -- any balance thereafter.

22 JUDGE BENN: So the original portion of what?

1 MS. SHAW: The 7- -- yeah, that was the whole
2 problem in regards to that.

3 JUDGE BENN: The Aberdeen amount?

4 MS. SHAW: Yes.

5 And as we go a little further into the
6 case then it will come together because that's
7 really the crux of the case today.

8 JUDGE BENN: Okay. So your dispute, as you're
9 sitting here today really has to do with the charges
10 transferred from 10114 South Aberdeen?

11 MS. SHAW: That was the original complaint, yes.

12 JUDGE BENN: Okay. Well --

13 MS. SHAW: The situation -- the situation
14 developed when -- if I could just mention this, two
15 years later, I guess in '10, this outstanding bill
16 popped up again, it resurfaced after having gone
17 away. It was still pending -- the case was still
18 pending from the original case and I didn't have any
19 knowledge of that. I know, it's very complicated.
20 I didn't have any knowledge that this case -- the
21 original case was still pending, the case you
22 referred to.

1 JUDGE BENN: The original case on your
2 complaint?

3 MS. SHAW: Yeah.

4 JUDGE BENN: 07 L 000159?

5 MS. SHAW: That's correct.

6 JUDGE BENN: And where was that case?

7 MS. SHAW: That case was at City Hall.

8 JUDGE BENN: Okay.

9 MS. SHAW: But because there was a motion
10 filed -- because the complaint wasn't filed formally
11 with the ICC, that case was -- there was a motion to
12 have that -- that case, I guess, dismissed.

13 JUDGE BENN: Okay.

14 MS. SHAW: And then I had an attorney at the
15 time. He then motioned to have -- he, I guess you
16 would say, filed a new complaint. So the case is
17 still pending. And shortly thereafter, I guess
18 within a period of, like, a year or so, there was no
19 longer any communication in regards to Peoples Gas
20 and this, the original situation. And my bill went
21 to -- I started paying -- I had a new account, I
22 guess there was a new account opened and I started

1 paying on that bill. No word from Peoples Gas. No
2 word in regards to the original complaint, which was
3 not considered a complaint because it didn't go
4 through the ICC, which sort of refers to the barred
5 time because the formal complaint was just recently
6 submitted. So it has nothing to do with -- this is
7 a totally separate case.

8 MS. PASULKA-BROWN: Can I just respond, your
9 Honor. I think I can clear up some of the issues.

10 JUDGE BENN: Let me ask a follow-up question,
11 then you can.

12 MS. PASULKA-BROWN: Thank you.

13 JUDGE BENN: This complaint that you name on the
14 face of your complaint, the case docket for some
15 sort of administrative case in the City, was that
16 related to 10114 Aberdeen?

17 MS. SHAW: That was the original, yes.

18 JUDGE BENN: Okay. So any dispute as to that
19 complaint was related to that property only, am I
20 correct?

21 MS. SHAW: That was related to that property
22 only, yeah.

1 JUDGE BENN: Okay. And the refiling, when and
2 if it took place, also related to 10114 Aberdeen.

3 MS. SHAW: That's correct.

4 JUDGE BENN: Counsel, go ahead, I'll take your
5 response.

6 MS. PASULKA-BROWN: What I wanted to point out,
7 your Honor, at some point in time in 2007,
8 Ms. Shaw did file a complaint in the Circuit Court
9 of Cook County about the same Aberdeen charges she's
10 contesting now. That case was dismissed. I brought
11 the order. You can take administrative notice of
12 it. And if you would like me to put it in the
13 record, I will. It was dismissed with prejudice
14 because the Circuit Court had no jurisdiction, it
15 was a billing dispute and it should never have been
16 filed there, it should have been filed at the
17 Commission.

18 This is the dismissal order. It's
19 dated September 6th of 2007. So up until that date,
20 September 6th of 2007, Peoples had a dispute noted
21 on her account and wasn't taking action because it
22 was in dispute, and the case was dismissed and

1 that's why the transfer charges then were reinserted
2 into her pending -- Ms. Shaw's pending account.
3 Because after the dismissal of that case there was
4 no longer a dispute and the charges could be
5 collected from her, but they were properly billed
6 when she was at Aberdeen.

7 So if you'd like me to distribute the
8 dismissal order, I can. And if you would like me to
9 put it in the record, I will.

10 MS. SHAW: Your Honor --

11 JUDGE BENN: One second.

12 MS. SHAW: Sure.

13 JUDGE BENN: You can put that into the record.
14 I'll allow that, as to any recommendations I might
15 make with regard to notice of the original claims
16 for Aberdeen, but we're still going to proceed.

17 But as to the motion for limine
18 regarding the charges at 8157 South Fairfield, I am
19 going to grant her motion and limit your testimony
20 to the disputed amount at the time of filing of
21 763.95 as it related to 10114 South Aberdeen.

22 I find that the other charges, based

1 on what I've heard so far, are related to
2 8157 South Fairfield and are not really in dispute
3 as it relates to this complaint.

4 MS. SHAW: Okay.

5 JUDGE BENN: Okay. Now there's another motion
6 in limine for monetary and punitive damages. I will
7 take a brief statement from you, Ms. Shaw, as to why
8 you feel you're entitled to monetary and punitive
9 damages.

10 MS. SHAW: If I may, just to address the last
11 portion she said was dismissed. Actually, I have
12 that dismissal, as well, with prejudice, but there
13 was a case call for this same case, it wasn't -- I
14 don't know what date you have, but I also have a
15 printout, the activity date dated 1-20-2011, is for
16 case set on status call. The following activity
17 date is 2-4-11, order to stand, which would
18 intercede with the time that you were billing me.
19 And if I remember -- if I recollect, according to
20 the law, there should not have been any -- so if
21 you, you know, want to go that route, there should
22 not have been any bills still sent to me because

1 according to this, and I do have copies, it was
2 still pending, it was still in court. So I do have
3 documentation stating that.

4 MS. PASULKA-BROWN: If you'd like, your Honor, I
5 can respond to that, your Honor.

6 JUDGE BENN: You can respond briefly and then
7 we're going to move on to the next motion.

8 Okay. Go ahead.

9 MS. PASULKA-BROWN: As far as -- we checked the
10 docket, this is the dismissal order and this has
11 never been vacated or reversed in any way.

12 If there was some other complaint you
13 filed, it's not in her existing ICC complaint and I
14 don't know what she is referring to. And, quite
15 frankly, I don't know why there would, because if it
16 was still about the Aberdeen charges it would be
17 dismissed on the same basis that the Case
18 No. 07 L 159 was dismissed as the Circuit Court
19 lacking jurisdiction over a billing dispute that
20 should be brought before the Illinois Commerce
21 Commission.

22 MS. SHAW: Well, I understand what you're

1 saying. But I'm just saying, according to the
2 records that wasn't the end of it. There were two
3 activity dates, which indicates that this case was
4 not totally closed out. So there wouldn't be two
5 dates if it was, it would be a moot issue.

6 MS. PASULKA-BROWN: Your Honor, I would like to
7 admit the dismissal order of the case, which is the
8 one that I'm aware of,

9 MS. SHAW: Okay. That's fine.

10 MS. PASULKA-BROWN: -- and marked it for
11 identification as Peoples Gas 1 (indicating).

12 JUDGE BENN: It's the dismissal order of what?
13 What's the case number, please.

14 MS. PASULKA-BROWN: No. 07 L 159. And it's the
15 order that was entered on September 6th, 2007.

16 MS. SHAW: And I would like to present this --

17 JUDGE BENN: One second. I have to rule on this
18 one first.

19 MS. SHAW: Okay. Okay.

20 JUDGE BENN: Do you want to hand one --

21 MS. SHAW: I already have one.

22

1 (Whereupon, Respondent's
2 Exhibit No. 1 was marked
3 for identification.)
4 JUDGE BENN: Take a look at the official exhibit
5 to make sure.
6 Do you have any objection to that?
7 MS. SHAW: This is the same as that.
8 JUDGE BENN: Okay. So you have no objection?
9 MS. SHAW: I don't.
10 MS. PASULKA-BROWN: And I would move for entry
11 of this exhibit into the record --
12 MS. SHAW: Well, actually --
13 MS. PASULKA-BROWN: -- your Honor.
14 MS. SHAW: I have no objection if I'm allowed to
15 present mine, as well.
16 JUDGE BENN: You will be.
17 MS. SHAW: Okay.
18 JUDGE BENN: Hearing no objection, I will
19 introduce Peoples Gas Exhibit 1 into the record. It
20 is a dismissal order filed in Case No. 07 L 159.
21
22

1 (Whereupon, Respondent's
2 Exhibit 1 was admitted
3 into evidence.)

4 JUDGE BENN: Ms. Shaw, you have an exhibit you'd
5 like to introduce?

6 MS. SHAW: I would.

7 In regards to her exhibit I also have
8 an exhibit from the Clerk of Cook County, same case,
9 2007 L 00159, in regards to continued activity after
10 the date 9-6-2007, which states that, Dismissal
11 strikes, the specific defendant allowed. The next
12 activity date, 1-20-2011, says that the case was set
13 on status call. And then the following activity
14 date, 2-4-2011, also says, Order to stand but
15 investigating, couldn't find that information. I
16 didn't have the timeline.

17 JUDGE BENN: Can you show that to Counsel?

18 MS. SHAW: Sure (indicating).

19 JUDGE BENN: And you do have copies?

20 MS. SHAW: I do.

21 JUDGE BENN: Okay. Go ahead.

22 MS. PASULKA-BROWN: Your Honor, I would object

1 to the admission of this document. There's been no
2 proper foundation laid. And what the document is is
3 a printout of the docket sheet. And Ms. Shaw is not
4 an attorney.

5 MS. SHAW: No.

6 MS. PASULKA-BROWN: She's interpreting
7 information set forth in the docket sheet that I
8 can't even tell you what it really is relating to or
9 what activity was done and what the documents that
10 it's purporting to summarize were before us and we
11 were acting on them, your Honor. It's my
12 understanding that this case has been settled. And
13 based just setting on a status call and Order to
14 stand allowed, I would interpret "Order to stand
15 allowed," meaning the order that we just admitted as
16 Exhibit 1 stands for the same reason it was entered
17 in the first instance, that there's no jurisdiction
18 over a billing dispute in the Circuit Court of Cook
19 County.

20 So the bottom line, I would object to
21 the introduction of the docket sheet because
22 Ms. Shaw can't authenticate it and she certainly

1 can't interpret it, your Honor.

2 JUDGE BENN: Okay. Before we go forward, I'm
3 going to go off the record briefly.

4 (Whereupon, a discussion
5 was had off the record.)
6 (Whereupon, Complainant's
7 Exhibit No. 1 was marked
8 for identification.)

9 JUDGE BENN: Back on the record.

10 The Complainant has submitted what is
11 purporting to be Complainant's Exhibit 1, which is a
12 printout of the Clerk of the Circuit Court of Cook
13 County docket sheet that could be found on the Cook
14 County Clerk's Web site, and it's dated 11-2-2011.

15 Counsel has stated her objection to
16 the introduction of the docket sheet, noting that
17 there might be some problems with the interpretation
18 of the activity of this case based on Ms. Shaw's
19 interpretation of the docket sheet.

20 And Ms. Shaw has had an opportunity to
21 respond to that.

22 MS. SHAW: Yeah, I just like to respond to her

1 last statement. While she said there's no credence
2 in this document she referred to it. So if there's
3 no credence then what you're referring to has to be
4 dismissed, as well.

5 JUDGE BENN: Okay. I'm going to note your
6 response to the Respondent's objection.

7 I'm going to admit this exhibit over
8 Counsel's objection as Complainant's Exhibit 1,
9 noting that I'm going to take judicial notice of the
10 fact that this is the usual docket sheet printout
11 that's available to anyone who would visit the Cook
12 County Clerk's Web site. And it's more likely than
13 not recently believed to be the docket sheet as of
14 the date of printout, 11-2-2011.

15 I will note that I'm admitting this
16 exhibit, but I'm not giving any weight or credence
17 to the handwritten notations that are made on any of
18 the sheets that appear and most notably, Page 8.

19 So this will be admitted, as well.

20 (Whereupon, Complainant's
21 Exhibit No. 1 was received
22 in evidence.)

1 JUDGE BENN: Going back to the motion in
2 limine -- continuing on with the motion in limine,
3 monetary and punitive damages. Ms. Shaw, I think I
4 heard your commentaries. Could you continue to give
5 me your reason why you believe you're entitled to
6 monetary and punitive damages.

7 MS. SHAW: Well, actually, I understand that the
8 Court's -- it's authority is limited to either
9 refund or just have my services interrupted and as
10 the complaint stated, my request was to have my
11 services restored and punitive damages. But I do
12 understand that your -- that is separate and apart
13 from this issue.

14 So that has to be addressed at another
15 level, I understand that. So I had no intentions
16 of -- today of presenting any information in regards
17 to punitive damages because I do understand that
18 that's separate and apart from what the Commission
19 will allow.

20 JUDGE BENN: Okay. So as you sit here today,
21 are you withdrawing your claim, under this
22 complaint, as to monetary and punitive damages?

1 MS. SHAW: If the Courts cannot address that,
2 then yes, I would.

3 JUDGE BENN: Okay. Then what I'll, since
4 there's a motion in play, I'm going to also grant
5 this motion in limine for the request of monetary
6 and punitive damages.

7 MS. SHAW: If I may -- I'm sorry. I didn't mean
8 to interrupt you.

9 JUDGE BENN: Okay. Go ahead. I'm sorry. Go
10 ahead.

11 MS. SHAW: The response, actually, to those
12 charges, as you may note, that that's not what this
13 case was about, that wasn't the crux. The case had
14 nothing to do with -- the crux of the case had -- as
15 my response stated, was in relation to the original
16 complaint. So this line of strategy is perplexing
17 to me because we weren't -- the original complaint
18 had nothing to do with charges in regards to
19 8157 South Fairfield. They were only in regards to
20 charges at 10117 (sic) South Aberdeen.

21 So for this to be introduced at this
22 time I thought was out of character.

1 JUDGE BENN: Okay. I'm going to complete my
2 ruling on the motion in limine regarding the request
3 for monetary and punitive damages and I'm going to
4 note I'm going to grant that motion and the
5 Complainant will not be allowed to present any
6 testimony regarding monetary and punitive damages.

7 I'm going to note the sections of the
8 statute that were cited by the Respondent, in
9 particularly, the Commission is barred from
10 providing anything -- excuse me, strike that.

11 I'm going to note the case law cited
12 by the Respondent, there's Oklahoma case law that
13 indicates the Commission has no authority to grant
14 monetary and punitive damages at all.

15 In addition, with regard to the other
16 motion in limine for 8157 South Fairfield, I am
17 going to note that the Complainant's original
18 disputed charges are not time barred at this point.

19 THE REPORTER: I'm sorry, "are not" what?

20 JUDGE BENN: Are not time barred --

21 MS. PASULKA-BROWN: Your Honor, if I may, I
22 wanted to make a motion about our defense with

1 respect to the time bar on the Aberdeen charges.

2 JUDGE BENN: Okay.

3 MS. PASULKA-BROWN: Are you speaking about the
4 Aberdeen charges, the 763.95?

5 JUDGE BENN: I'm speaking about -- you said in
6 your complaint that the -- it was in the complaint
7 when you stated that the Aberdeen charges were time
8 barred.

9 MS. PASULKA-BROWN: In our answer to the
10 complaint we did assert that defense. And, your
11 Honor, I would orally move at this time to dismiss
12 the 763.95 on the basis that they are time barred.
13 There were charges that were incurred for Aberdeen,
14 as stated in the complaint, those charges relate to
15 the time period of 1989 to 1994. That's in
16 Paragraph 2 of the complaint. She was billed at
17 that time and there was no complaint filed by
18 Ms. Shaw in any venue, improperly in the Circuit
19 Court or properly in the Commission, before 2006 on
20 the Aberdeen charges of \$763.95.

21 And pursuant to Illinois statute,
22 Complainant would have been required to file a

1 complaint about those Aberdeen charges long before
2 2006. She had two years from the incurrence of
3 those charges to file a complaint and she failed to
4 do that, your Honor.

5 MS. SHAW: I'm sorry. I think you're
6 misinformed.

7 JUDGE BENN: I'm going to let you --

8 MS. SHAW: Oh, I'm sorry. I apologize.

9 JUDGE BENN: No, no, that's okay.

10 This is your opportunity to respond on
11 the record regarding the time bar affirmative
12 defense.

13 MS. SHAW: Yes, I would like to comment on that.

14 The original -- I would like to find a
15 copy of the original Defendant's motion and the
16 verified complaint.

17 But I also have -- when this ordeal
18 started -- maybe -- I think you're a little bit
19 misinformed when it originally started. This is
20 dated December 8th, 2006, where it shows that I did
21 contact the Illinois Commerce Commission in regards
22 to this bill that I received in that year for

1 services rendered from 1989 through '95. And,
2 actually, it refers to an account. So there was not
3 a two-year lapse before I addressed that at all.

4 So I would like to present that, as
5 well.

6 JUDGE BENN: I'm going to let the affirmative
7 defense stand and issue a ruling regarding whether
8 or not the complaint is time barred at a later time.

9 MS. SHAW: Okay.

10 JUDGE BENN: We'll proceed with the evidentiary
11 hearing based on the charges at 763.95 as it relates
12 to 10114 South Aberdeen.

13 MS. SHAW: Okay.

14 JUDGE BENN: Off the record.

15 (Whereupon, a discussion
16 was had off the record.)

17 JUDGE BENN: Okay. We're back on the record.

18 I am going to move forward with the
19 evidentiary hearing, noting already the rulings on
20 both motions in limine. I'm going to reserve any
21 ruling on the time bar affirmative defense that was
22 offered by the Respondent at this time.

1 And I'm going to allow Ms. Shaw an
2 opportunity to make a brief opening statement
3 regarding the complaint.

4 MS. SHAW: Yes. Regarding the complaint, my
5 response says it very clearly. I received a bill in
6 2005 -- 2006, actually -- approximately 2006, with
7 regards to services from 10114 South Aberdeen,
8 services they say they rendered to me from '89
9 through '95. I disputed the bill despite -- showing
10 evidence that I never requested service at that time
11 at that address, period. I was directed to sending
12 in documentation to support that. I did submit
13 fraud alert and any documentations to support the
14 fact that I never requested service at that address.
15 And I was told I would have to pay for that.

16 So I sought legal counsel. Legal
17 counsel then handled the situation brought before
18 the Courts. As time progressed, it was noted that
19 it wasn't properly handled. It had to come through
20 the ICC. And so, therefore, the motion was granted
21 to dismiss that and -- that complaint.

22 And so my attorney proceeded to go

1 through the ICC. I guess for a period of two years
2 I heard nothing in regards -- my service was
3 restored. I heard nothing in regards to that
4 complaint. And then it popped up again. And as I
5 investigated it, I discovered that the case had
6 never been totally closed out.

7 I then proceeded to go to the ICC and
8 have a formal complaint filed in October of 2011.
9 And they came to the conclusion that based on the
10 fact that there was some administrative statutes
11 that had not been in compliance by Peoples Gas, they
12 afforded me the opportunity to file a formal claim
13 and that's what I'm doing. And that's what I've
14 done, actually.

15 JUDGE BENN: Okay. Counter from Respondent.

16 MS. PASULKA-BROWN: Your Honor, based on the
17 rulings that you've already made, this dispute
18 relates to \$763.95 that Ms. Shaw incurred for gas
19 services she received while she was living at
20 10114 South Aberdeen in Chicago. There will be no
21 evidence presented that Ms. Shaw didn't live there.
22 There will be no evidence presented that Ms. Shaw

1 didn't receive the bills for gas service.

2 When Ms. Shaw initially made a
3 complaint about this \$763.95 that she incurred and
4 did not pay at Aberdeen -- her initial complaint was
5 not the Circuit Court complaint, that we showed was
6 dismissed in what was admitted as Peoples Gas
7 Exhibit 1. Her initial complaint was to the ICC in
8 an informal matter.

9 I will introduce for identification at
10 this time, and mark for identification as Peoples
11 Exhibit 2, a letter regarding Ms. Shaw's initial
12 informal complaint regarding the Aberdeen charges
13 that was before the Illinois Commerce Commission
14 (indicating).

15 (Whereupon, Respondent's
16 Exhibit No. 2 was marked
17 for identification.)

18 JUDGE BENN: Ms. Shaw, take a look at that.

19 MS. SHAW: Yes.

20 JUDGE BENN: Do you have any objection to that?

21 MS. SHAW: I do, actually.

22 MS. PASULKA-BROWN: Your Honor, could I finish

1 my --

2 MS. SHAW: My objection is --

3 MS. PASULKA-BROWN: -- moving for admitting it?

4 JUDGE BENN: Okay. I thought you did. I'm
5 sorry. Go ahead.

6 MS. PASULKA-BROWN: We've identified for the
7 record Peoples Exhibit 2, which is a letter dated
8 December 6th, 2006, from Peoples Energy to Ms. Shaw.
9 Attached as Page 2 of the letter is a screen shot,
10 that we will explain -- I can tell you now that it's
11 a shot of the computer screen at Peoples Gas system.
12 And to the extent that we need to lay a further
13 foundation it will come through Ms. Barragan, when
14 she testifies.

15 But, basically, this document relates
16 to a complaint, an informal complaint, that Ms. Shaw
17 made to the Illinois Commerce Commission about the
18 \$763.95 in charges that she incurred at Aberdeen.
19 And as set forth in the second paragraph it's about
20 the Aberdeen charges and the complaint was in 2006,
21 which preceded the 2007 case that's referred to in
22 Peoples Exhibit 1.

1 So the first complaint regarding those
2 charges was in 2006, before the Commerce Commission.
3 And that's the basis of our motion that the
4 complaint is untimely, but just so that we have the
5 timeline correct because I know we had been talking
6 about only the Circuit Court proceeding and that
7 postdated her informal complaint, which was the
8 first challenge, your Honor.

9 JUDGE BENN: All right. Ms. Shaw, do you have
10 any objection --

11 MS. SHAW: I do.

12 JUDGE BENN: -- to the objection?

13 MS. SHAW: I do. Because while I have also,
14 too, a copy of this original letter, dated December
15 8th, 2010. This is April 16th, 2007, is a document
16 from my attorney stating that he was representing me
17 for Peoples Gas.

18 So while I did attempt to resolve the
19 issue with Peoples Gas, and as well as the Illinois
20 Commerce Commission, I hired an attorney within six
21 months. So that, I'm sure, isn't a time restraint
22 from the date that I originally tried to resolve

1 this from my attorney. And this is a legal
2 document.

3 So I'd like to strike her having -- or
4 have that dismissed as some form of evidence because
5 it's not credent.

6 JUDGE BENN: My question for you, Ms. Shaw, are
7 you disputing that you -- have you received this
8 letter, the letter dated December 8th, 2006?

9 MS. SHAW: Yes, I have a copy of it here.

10 JUDGE BENN: Okay. You have the original
11 letter?

12 MS. SHAW: Yes, I have the original letter. And
13 shortly thereafter I hired an attorney, on
14 April 16th, 2000- -- actually before then, but this
15 is the letter from the attorney showing that he was
16 representing me at that time. So I don't understand
17 where the time bar comes in from.

18 And, actually, because we're dealing
19 with a formal complaint, the formal complaint was in
20 October of 2011. So there wouldn't be a time bar
21 because it still relates to the same case -- while
22 it still relates to the same case, this is a formal

1 filing where you even said the first one was not
2 formal. So I suppose that -- this would supercede
3 the original attempt to have this settled. This
4 formal complaint dated 2011, would supercede that
5 original complaint.

6 That actually was really -- since
7 activity still shows on that file even as far as
8 February 2011, that also too would coincide with the
9 fact that it isn't time barred.

10 JUDGE BENN: My question for you, Ms. Shaw --
11 before you say anything else, Counsel -- when you
12 received the letter in December the 8th, 2006, did
13 it have the screen shot attached to it?

14 MS. SHAW: It did not.

15 JUDGE BENN: Counsel, do you know if you sent
16 the letter with the attachment or is the attachment
17 just for purposes of this evidentiary hearing?

18 MS. PASULKA-BROWN: It's for the purposes of
19 this evidentiary hearing. And I would add that
20 another exhibit that relates to the same initial
21 dispute of this matter, is Exhibit 1 to our motion
22 relating to the -- the motion in limine relating to

1 Fairfield, attached is the Commission's record of
2 the dispute of the Aberdeen charges was in November
3 of '06.

4 JUDGE BENN: I'm going to admit this exhibit
5 over your objection, Ms. Shaw, but only as it
6 relates to the letter itself. I'm not going to
7 admit the attachment at this time. You can
8 introduce it when you introduce your witness.

9 MS. PASULKA-BROWN: That's fine, your Honor.

10 You know what I'd like to do just so
11 we can keep it straight is put a 2A on it. And
12 introduced for identification only 2A would be the
13 second page of what's been admitted as Peoples
14 Exhibit 2 and we will move for admission after we
15 lay a foundation through our witness, your Honor.

16 JUDGE BENN: Okay. I'm admitting this, Peoples
17 Gas 2, over Counsel's (sic) objection.

18 (Whereupon, Respondent's
19 Exhibit No. 2 was received
20 in evidence.)

21

22

1 (Whereupon, Respondent's
2 Exhibit 2A was marked for
3 identification.)

4 JUDGE BENN: One second as to your --

5 MS. PASULKA-BROWN: The only point of the letter
6 was to show when the dispute was initiated. So it's
7 shown by what you've admitted as Peoples Exhibit 2
8 and the exhibit from the Commission's Web site that
9 was attached as Exhibit 1 to our motion in limine
10 regarding charges relating to 8157 South Fairfield
11 Avenue.

12 JUDGE BENN: Okay. Ms. Shaw, are you seeking to
13 introduce another exhibit?

14 MS. SHAW: Yeah, just to support the fact that
15 this wasn't time barred.

16 In regards to the formal complaint, as
17 the Counsel indicated, because on April 16th, 2007,
18 there was an attorney involved and he filed a formal
19 complaint. So there was never a period of years
20 before this situation was addressed, as Counsel
21 mentioned.

22 And I just wanted to say, as well, in

1 response to Counsel's statement that I am not an
2 attorney, no, I'm not an attorney, but what I have
3 to say, just like you support your -- your job is to
4 represent your company and to protect them, mine is
5 to do the same for my family. And so --

6 MS. PASULKA-BROWN: Your Honor, I --

7 MS. SHAW: -- I don't --

8 MS. PASULKA-BROWN: -- wanted to withhold
9 objections, but I think we're going a little far
10 afield and I would object to this.

11 MS. SHAW: Yeah, well, that's fine. I'm just
12 making a statement. I'm not presenting this as
13 evidence or anything. I just wanted to respond to
14 that.

15 JUDGE BENN: I'll sustain the objection with
16 regard to --

17 MS. SHAW: I --

18 JUDGE BENN: One second.

19 -- what the parties' roles are in an
20 evidentiary hearing.

21 MS. SHAW: Sure. Sure.

22 JUDGE BENN: However, going back to the exhibit,

1 do you have copies for --

2 MS. SHAW: And I apologize.

3 JUDGE BENN: I'm going to let you let Counsel
4 take a look at it before I make my ruling as to this
5 exhibit.

6 Counsel, do you have any objection --
7 well, take a look at it first.

8 MS. PASULKA-BROWN: Yes, we would object to the
9 admission of this letter that purports to be from an
10 attorney, I believe, to someone -- to another
11 attorney, because it has nothing to do with this
12 proceeding. To the extent that Counsel -- to the
13 extent that Ms. Shaw is seeking to introduce it
14 because it relates to the fact that a formal
15 complaint was filed sometime in 2007, that's
16 irrelevant. The first dispute of the Aberdeen
17 charges that we're here to discuss is the 2006
18 informal with the Commission. The fact that there
19 were subsequent complaints about those Aberdeen
20 charges, has nothing to do with the time bar, as I'm
21 sure your Honor is very well aware, it's two years
22 from the imprint of the charges.

1 So we would object to the admission of
2 this document, that I have just been handed by the
3 Complainant, as irrelevant.

4 JUDGE BENN: Okay. What I want to say to you,
5 Ms. Shaw, you introduce that -- if you introduce
6 this as an exhibit, first of all I need it in
7 triplicate, but the most notable thing, that this
8 will become a matter of public record. And this is
9 your personal document from your attorney and these
10 are usually privileged. So as you sit here today,
11 do you understand that this letter from Patrick
12 Smith & Associates, dated April 16th, 2007, if you
13 introduce it it will become a matter of record of
14 this complaint and potentially a matter of public
15 record.

16 MS. SHAW: Yes, I understand that.

17 JUDGE BENN: And do you allow -- or do you want
18 me to move forward with potentially admitting this
19 as an exhibit --

20 MS. SHAW: Yes.

21 JUDGE BENN: -- to your complaint?

22 MS. SHAW: Yes, please.

1 JUDGE BENN: Okay. I'm going to admit this over
2 your objection, Counsel. And as with all these
3 exhibits, I'm going to give them the weight that is
4 necessary for me to make a recommendation to the
5 Commission.

6 (Whereupon, Complainant's
7 Exhibit 2 was received in
8 evidence.)

9 MS. PASULKA-BROWN: Thank you, your Honor.
10 If I could just get a copy of it.

11 JUDGE BENN: Yes. I'm going to put this
12 aside -- excuse me, we'll go off the record.

13 (Whereupon, a discussion
14 was had off the record.)

15 JUDGE BENN: I left off admitting Complainant's
16 Exhibit 2 into the record.

17 MS. PASULKA-BROWN: Your Honor, now that we've
18 done that can I finish my opening?

19 JUDGE BENN: Yes.

20 MS. PASULKA-BROWN: As I was saying, the dispute
21 currently before the Commission is in relation to
22 the \$763.95, the charges that Ms. Shaw incurred

1 while she was living at the Aberdeen address. She
2 doesn't dispute that she lived there. And there
3 will be evidence to show that she received gas
4 service when she was there.

5 There was a statement made by Ms. Shaw
6 during her opening, that there was some alleged
7 finding of impropriety by Peoples Gas. There's no
8 such finding anywhere and there would be no evidence
9 introduced of any improper actions by PGL. So I
10 would just point that out to the Commission as we go
11 forward.

12 Thank you.

13 JUDGE BENN: Any rebuttal?

14 MS. SHAW: No.

15 JUDGE BENN: Since Ms. Shaw is operating as her
16 own witness, you've given your initial testimony
17 regarding the complaint. I'm going to give Counsel
18 an opportunity to cross-examine you.

19 MS. SHAW: Sure.

20 CROSS-EXAMINATION

21 BY

22 MS. PASULKA-BROWN:

1 Q Ms. Shaw, what time period did you live at
2 10114 South Aberdeen?

3 A From 19- -- I believe from 1988 through
4 1993.

5 Q What month in 1993 did you move out of
6 Aberdeen?

7 A In '93 I moved out in October -- actually,
8 October 16th, 1993 I bought my home.
9 October 19th -- I moved out, one year, I moved into
10 an apartment and on the 19th of October 1995 I
11 bought my home, so. . . I remember those dates very
12 specifically.

13 Q October 16th, 1993, is the date you moved
14 out of Aberdeen?

15 A That was the date, yes.

16 Q When you were living at the 10114 South
17 Aberdeen address did you receive gas service?

18 A I did receive gas service.

19 Q Was the gas service from Peoples?

20 A I would imagine it was. I never received a
21 bill.

22 Q What was the apartment that you moved to

1 when you left the Aberdeen address that we've been
2 discussing?

3 A 66 and Rockwell. The exact address -- I
4 have an exact address for you.

5 Q I don't need one. Thank you.

6 A 6929, I apologize, South Rockwell.

7 MS. PASULKA-BROWN: That's all, your Honor.

8 JUDGE BENN: Okay. I have a couple questions
9 for you.

10 EXAMINATION

11 BY

12 JUDGE BENN:

13 Q You said that you didn't receive a bill for
14 the 10114 South Aberdeen.

15 A Uh-hum.

16 Q Why was that?

17 A I was renting that house, single parent
18 with six children. And I've always rented with gas
19 included. And so I worked a split shift, from
20 10:00 to 2:00, 7:00 to 11:00. My landlord at the
21 time had access to my house, which is one of the
22 reasons why I ended up moving from that place, more

1 than I desired. I never requested service from
2 Peoples Gas for rent there -- for gas services
3 there. Even though I received gas services, I never
4 requested it, it was part of my lease. And I never
5 received any bills in my name. Never received a
6 bill from Peoples Gas at 10114 South Aberdeen.

7 Q When did you discover the charges that you
8 are now disputing regarding 10114 South Aberdeen,
9 when did you first discover the charges?

10 A When they -- when Peoples Gas attached it
11 to my current bill at 8157 South Fairfield in 2005,
12 I believe that would be.

13 Q 2005 is when they were attached to --

14 A This is my -- yes.

15 Q Okay. Just repeat your answer.

16 So you initially discovered -- when
17 did you initially discover these charges you are now
18 disputing as they related to the Aberdeen property?

19 A At the end of 2005, when I received -- when
20 the bill was included on my current home bill,
21 8157 South Fairfield.

22 Q Okay. And when did you initiate your

1 informal complaint with the Illinois Commerce
2 Commission?

3 A On December -- in December, 2006.

4 Q When did you initiate -- or when did you
5 become party to the administrative case that was
6 held at the City of Chicago? When was that case
7 initiated?

8 A I have it. I'm sorry, I can't see it too
9 well.

10 MS. PASULKA-BROWN: The Circuit Court case, your
11 Honor, is that --

12 JUDGE BENN: Yes.

13 THE WITNESS: 1-5-2000- -- I can't see it.

14 MS. PASULKA-BROWN: It's an '07 number.

15 THE WITNESS: '07.

16 JUDGE BENN: An '07 case.

17 THE WITNESS: Yes. 1-05-2007, date filed.

18 JUDGE BENN: Okay. And I will also apologize
19 for asking. We've already admitted an exhibit that
20 I took judicial notice of. And in that exhibit,
21 which is Complainant's Exhibit 1, does show an
22 initial activity date of January 5th, 2007.

1 So we'll say that the date of the --
2 initiating the administrative complaint was
3 January 5th, 2007.

4 MS. PASULKA-BROWN: If I may, your Honor?

5 JUDGE BENN: Yes.

6 MS. PASULKA-BROWN: It was a complaint in the
7 Circuit Court.

8 JUDGE BENN: Yes, that's what I was asking
9 about.

10 MS. PASULKA-BROWN: Right. It's just not an
11 administrative --

12 JUDGE BENN: I'm sorry. The complaint in the
13 Circuit Court, that's what I meant to ask about,
14 though.

15 Q And we don't dispute that you've initiated
16 your formal complaint on November 21st, 2011, is
17 that correct?

18 A Yes, that's correct.

19 Q I just want to clarify this, as it relates
20 to 8157 South Fairfield, are you disputing any
21 portion of the existing charges at 8157 South
22 Fairfield?

1 A You know, I really -- I can't say that I
2 would. I can't say that I would do that.

3 Q Okay.

4 A Yeah, and I want to say that I don't
5 because that's not the issue here.

6 Q Okay. Do you have any objection to the
7 amount --

8 A Actually, I would --

9 Q One second. I have to finish.

10 A Sure.

11 Q Do you have any objection to the amount in
12 question for 8157 South Fairfield being near
13 \$1822.77?

14 A Actually, your Honor --

15 MS. PASULKA-BROWN: We're not seeking \$1800.
16 There have been payments and some LIHEAP charges.
17 The total outstanding balance, even including the
18 Fairfield charges, is \$1,492 and some change.

19 JUDGE BENN: All right.

20 Just to leave the record clear.
21 You're not disputing anything that's related to
22 8157 South Fairfield?

1 A No.

2 JUDGE BENN: Okay. We'll go from there.

3 I don't have any other questions.

4 Did you have any final redirect
5 statements?

6 MS. SHAW: I just wanted to make a statement of
7 that time loss because it would appear as though
8 from '07 to '11, that I didn't put forth an effort
9 to get anything resolved. But that was during the
10 time that I had an attorney and he was handling
11 that. And so I'm under the impression that things
12 have been resolved. So for two years I heard from
13 either (sic) Peoples Gas in regards to this period.
14 It stopped appearing on my bill. I had another
15 account number and I'm paying on everything as usual
16 and then once again it resurfaced.

17 So between that time there was no
18 activity, no indication that this thing even exist.

19 JUDGE BENN: So the resurfacing date of the
20 disputed amount was when according to your records?

21 MS. SHAW: According to my records 1-7-2011.

22 JUDGE BENN: 1-7-2011?

1 MS. SHAW: No, I'm sorry. Nope, it goes back
2 even further than that.

3 And I apologize, I don't have my
4 glasses. So it's really difficult for me to -- I'm
5 not making an excuse for anything.

6 In 7-30-2010, my amount due was
7 \$336.19. I made a payment of \$275. My next bill --
8 my very next bill that was in 2010 -- my very next
9 bill in 10-2010, was \$2713.27. And that's when this
10 whole thing resurfaced.

11 JUDGE BENN: Ms. Shaw, can you show the original
12 to Counsel?

13 MS. SHAW: (Indicating.)

14 MS. PASULKA-BROWN: We're just talking about the
15 two bills, your Honor, correct, not the letter
16 that's attached?

17 JUDGE BENN: No.

18 MS. SHAW: Uhn-uhn.

19 JUDGE BENN: Just the two bills.

20 MS. PASULKA-BROWN: Can I pull this apart?

21 MS. SHAW: Sure. Yeah.

22 MS. PASULKA-BROWN: Are we marking this for

1 identification?

2 JUDGE BENN: Yes. I want to know if you have
3 any objection to the introduction of those two bills
4 and receipt?

5 MS. PASULKA-BROWN: July 8, 2010 bill from
6 Peoples Gas and September 8th, 2010 bill from
7 Peoples Gas, no, we don't have any objection.

8 Then, your Honor, the receipt --

9 MS. SHAW: The question was when --

10 JUDGE BENN: Hold on one second.

11 MS. PASULKA-BROWN: And the receipt from the
12 currency exchange, that purports to reflect a
13 payment by Ms. Shaw, we don't have any objection to,
14 your Honor.

15 JUDGE BENN: Okay.

16 MS. SHAW: But the issue was when it resurfaced.

17 JUDGE BENN: Yes.

18 MS. SHAW: And this is when it resurfaced
19 (indicating).

20 MS. PASULKA-BROWN: We also don't have any
21 objection to the introduction of --

22 JUDGE BENN: What date is that.

1 MS. PASULKA-BROWN: October 7, 2010. But for
2 the writing that should be not admitted, your Honor.

3 JUDGE BENN: Okay. Then I will -- you'll have
4 to hand those to me so I can make copies.

5 I'm going to admit the bill that's
6 dated -- and introduced by Deborah Shaw regarding
7 her account in dispute -- excuse me, regarding her
8 account -- her current account into the record as
9 Exhibit 3 -- Complainant's Exhibit 3, including the
10 receipt.

11 (Whereupon, Complainant's
12 Exhibit No. 3 was received
13 in evidence.)

14 JUDGE BENN: Any brief redirect?

15 MS. SHAW: No.

16 JUDGE BENN: Then is there anything else you
17 would like to introduce in your case in chief at
18 this point?

19 MS. SHAW: Well, in regards to -- since we're
20 speaking of time bar, did we go back to that or have
21 we moved on -- gone back to that?

22 JUDGE BENN: We --

1 MS. PASULKA-BROWN: Can we go off the record for
2 a minute?

3 JUDGE BENN: We're going to go off the record.
4 (Whereupon, a discussion
5 was had off the record.)

6 JUDGE BENN: Is there anything else that you
7 would like to introduce in your case in chief,
8 Ms. Shaw?

9 MS. SHAW: No, not at this present time.

10 JUDGE BENN: Okay. Then I'll allow you to rest
11 your case and we'll turn this over to Respondent.

12 MS. PASULKA-BROWN: Thank you, your Honor.
13 We are going to present Soledad
14 Barragan from Peoples Gas and if you can swear the
15 witness, I'll get started.

16 JUDGE BENN: Yes. Ms. Barragan, could you raise
17 your hand.
18 (Witness sworn.)

19 JUDGE BENN: Counsel, you may proceed with your
20 witness.
21
22

1 SOLEDAD BARRAGAN,
2 called as a witness herein, and after having been
3 first duly sworn, was examined and testified as
4 follows:

5 DIRECT EXAMINATION

6 BY

7 MS. PASULKA-BROWN:

8 Q Please state your full name for the record.

9 A Soledad Barragan.

10 Q And your employer's name is what?

11 A Peoples Gas.

12 Q And how long have you worked for Peoples
13 Gas?

14 A 11 years.

15 Q From about what date to what date?

16 A July 2001 to present.

17 Q And can you generally describe your job
18 duties over that 11-year time period. If they were
19 different we can take it step-by-step, but if you
20 could summarize, that would be wonderful.

21 A Sure. I started out in the Call Center
22 taking calls from customers, any inquiries they had

1 regarding their accounts and bills. I also worked
2 in the Credit Department releasing holds for service
3 requests. As far as billing, making sure that bills
4 are accurate when going out. And currently I handle
5 complaints that are placed through the Commission as
6 well as other agencies. And I also come for formal
7 hearings.

8 Q Thank you.

9 Based on the description of your job
10 duties that you just provided, I take it that you're
11 familiar with all of the billing records that
12 Peoples Gas keeps with respect to its residential
13 customers?

14 A Yeah.

15 Q And are you familiar with all of the
16 billing practices regarding the transfer of account
17 balances from one address to another?

18 A Yes.

19 Q Are you also familiar with the practice of
20 transferring account balances from one account
21 number to another account number?

22 A Yes.

1 Q And can you tell whether Peoples ever
2 enters into agreements with customers to whom it
3 provides service that it will not charge them for
4 the gas services that they are taking?

5 A No.

6 Q Can you tell us whether Peoples Gas ever
7 enters into agreements with customers that are
8 receiving gas services not to send gas bills to
9 them?

10 A No.

11 Q So it does not do either of those things,
12 either agree not to send gas bills or agree not to
13 charge customers for their gas services that they're
14 receiving?

15 A That's correct.

16 Q Are you familiar with Peoples Gas' billing
17 history relative to the Complainant Ms. Shaw?

18 A Yes.

19 Q And you are familiar with Ms. Shaw's
20 billing history and account history at Peoples Gas
21 based on what?

22 A I reviewed the complaint that came in

1 regarding the charges at the Aberdeen address and
2 the transfers from there to the Fairfield address.

3 Q And, approximately, how many accounts has
4 Ms. Shaw had with Peoples Gas regardless of whether
5 at Aberdeen or Fairfield?

6 A About nine.

7 MS. PASULKA-BROWN: And the Fairfield address
8 we're talking about, your Honor, is the 8157 South
9 Fairfield address that we discussed earlier in the
10 proceeding.

11 Q And you reviewed the records of Ms. Shaw
12 regarding all of those nine accounts that she's had
13 with Peoples Gas over the years?

14 A Yes.

15 Q And can you tell us what would happen with
16 amounts that were on any of those accounts that were
17 outstanding and unpaid, what would be done with
18 those charges?

19 A If there's an active account for that
20 customer those charges would be transferred to the
21 active account.

22 Q And would they be transferred irrespective

1 of the fact that there had been a change of address?

2 A I'm sorry.

3 Q They would be transferred if there's an
4 active account even if there's a change of address
5 involved?

6 A Yes, that's correct.

7 Q And they would be transferred if there's an
8 active account, if the two accounts were accounts in
9 the name of the same customer, correct?

10 A Yes.

11 Q With respect to billing cycles, can you
12 tell us about how long a billing cycle is in terms
13 of days?

14 A It's about 30 days.

15 Q And how long after a billing cycle ends
16 does Peoples Gas issue a bill for the customer on
17 the account?

18 A It's issued immediately after receiving the
19 reading. So after that cycle ends we get a reading
20 and the bill is sent out.

21 Q And how quickly do you get the reading
22 after the bill cycle ends?

1 A We get a reading every 30 days.

2 Q So you would get a reading on the last day
3 of the cycle?

4 A The cycles are different. So it can be
5 anytime during the month. But once we obtain one
6 reading the next time we'll get another one will be
7 30 days.

8 Q I see. So the reading dates are 30 days
9 apart.

10 A Correct.

11 Q Okay. So let's just take an example of a
12 billing cycle.

13 If a billing cycle happened to
14 correspond to a month, say June 1 to June 30, the
15 reading for that billing cycle would be performed on
16 June 30?

17 A Yes.

18 Q And when would the bill go out after that
19 reading?

20 A The very next day.

21 Q And there's typically only one day between
22 the reading and the issuance of the bill?

1 A Typically. Yes.

2 Q So if Peoples Gas had an account in
3 Ms. Shaw's name from 1989, which is, I believe, the
4 first year she said she lived at Aberdeen, it would
5 have been sending bills to Ms. Shaw from 1989, on a
6 monthly basis during the entire time she had the
7 account at Aberdeen?

8 A Yes.

9 Q Is that your understanding of what
10 happened?

11 A Yes.

12 Q And does Peoples Gas currently have records
13 regarding the bills it sent to Ms. Shaw during the
14 1994 through 1995 (sic) period that she incurred the
15 charges that are in dispute here, the \$763.95 that
16 she incurred at Aberdeen?

17 A Not bills.

18 Q Does Peoples Gas have other records of the
19 monthly bills that would have forwarded to Ms. Shaw
20 for the charges that were incurred during the time
21 period I just stated?

22 A Yes.

1 Q What kind of records does Peoples Gas have
2 regarding those bills?

3 A We have our screen shot on our computer
4 system, which is called Transaction History and it
5 will show any charges on that screen.

6 Q Are there other records' details regarding
7 the screen shots or any other such records that
8 Peoples Gas has regarding the charges that are --
9 were issued and the bills that were issued to
10 Ms. Shaw during the time period in question?

11 A No.

12 Q The transaction screen is the only thing,
13 there's no backup to it?

14 A No.

15 Q Okay. I'm going to show you a document
16 now, after I mark it for identification, Peoples 3,
17 which I'm going to mark for identification and I'll
18 distribute (indicating).

19 JUDGE BENN: Is that different from 2A?

20 MS. PASULKA-BROWN: It is.

21 JUDGE BENN: Okay.

22 MS. PASULKA-BROWN: I'll come back to that.

1 JUDGE BENN: Okay. Thank you.

2 (Whereupon, Respondent's

3 Exhibit No. 3 was marked

4 for identification.)

5 JUDGE BENN: Take a look at that, Ms. Shaw.

6 MS. SHAW: Okay.

7 JUDGE BENN: Do you have any objection --

8 MS. SHAW: Actually, could you explain what I'm

9 looking at, please.

10 JUDGE BENN: Could you describe the document,

11 please.

12 MS. PASULKA-BROWN: Q Ms. Barragan, I've handed

13 you a document that I've marked for identification

14 as Peoples Exhibit 3. Are you familiar with this

15 document?

16 A Yes.

17 Q Let's be more specific. You're familiar

18 with the first page of this document?

19 A Yes.

20 Q Are you familiar with the second page of

21 this document?

22 A Yeah.

1 Q Which of these two documents do you call
2 the screen shot?

3 A The first one.

4 Q What do you call the second page of this
5 document?

6 A It's a data window.

7 Q And how does the data window relate --
8 which is Page 2 of Peoples Exhibit -- how does that
9 data window relate to the screen shot, which is
10 Page 1 of Exhibit 3?

11 A Because you can't see everything that's on
12 the Transaction History, we would have to print out
13 the data window, which will capture every field
14 that's in this panel (indicating), and that's what's
15 on the data window.

16 Q So can I accurately describe Page 2 of
17 Exhibit 3 as providing sort of details regarding the
18 information set forth on Page 1 of Exhibit 3?

19 A Yes.

20 Q And can you explain to us, looking at
21 Page 1 of Exhibit 3, what this screen shot shows.

22 A On this screen shot it will show that on

1 November 17th, 2005, there was a transfer that
2 occurred. If you look at the window at the
3 bottom --

4 Q The one called --

5 A Transaction comment --

6 Q -- transaction comment?

7 A -- it will say that there was a transfer
8 from, and it will show the account number, which is
9 8500000058465 to Account No. 2500042242122. That's
10 showing that this account at Aberdeen, the charges
11 that were here were transferred to this other
12 account and this other account is an account that
13 was at the Fairfield address for Ms. Shaw.

14 Q So if I understand what you just explained,
15 this screen shot shows when the \$763.95 was
16 transferred from Ms. Shaw's Aberdeen account to her
17 Fairfield account, correct?

18 A Yes.

19 Q Or, at least, one of her Fairfield accounts
20 because I think you said that she had a total of
21 nine, right?

22 A Yes.

1 Q And then if we look at Page 2, the
2 detail -- what I was calling the detail of the
3 screen shot, can you tell me by looking at Page 2
4 when the bills regarding the total of \$763.95 would
5 have been issued by Peoples Gas to Ms. Shaw?

6 A Yes. If you start from the bottom going
7 up --

8 Q And you're looking at the chart on Page 2
9 of Exhibit 3 and by "bottom" you are referring to
10 the row that is dated 1-23-1994, 1:41 a.m. bill,
11 correct?

12 A Correct.

13 Q Thank you. Go on.

14 A It'll show you what the charge was, which
15 is \$10.23. If we keep moving up it'll show when
16 there is a charge and a bill. And towards the
17 middle it will show what the total charges ended up
18 being, which were \$763.95.

19 Q So by "middle" you mean the column that
20 says, Amount originally entered and about halfway
21 down that column -- and you're referring to the
22 entry of the \$763.95 amount, correct?

1 A Yes.

2 Q That's the total of the transfer charges?

3 A That's correct.

4 Q And then can you tell me whether Exhibit 2

5 shows the transfer of each of the individual charges

6 that were billed and made up the \$763.95?

7 A Yes, it'll be next to where it says, On

8 November 17th, 2005, under Description it will show

9 AR transfers and then it'll show each individual

10 amount that was transferred out.

11 Q And is this detail -- does it reflect

12 each -- a transfer of each of the 1994 to 1995

13 Aberdeen charges, does it reflect a transfer of

14 every single one of those individual amounts?

15 A Yes.

16 Q And the transfer totals to the \$763.95,

17 correct?

18 A Yes.

19 Q So from this Page 2 we can see when the

20 charges at Aberdeen were specifically incurred

21 because, for instance, if I'm interpreting

22 correctly, please let me know, the last row that

1 references the January 23, 1994, and states that
2 there's a bill of 10.23, based on what you said with
3 respect to the billing practices it's my
4 understanding that there would have been a read on
5 the 22nd of January 1994, and the bill would have
6 been issued the 23rd of January 1994, to the
7 customer of record, correct?

8 A Yes.

9 Q And that would hold for each of these
10 charges from January 23, 1994 through -- what does
11 this say, May 1, 1995?

12 A It's to May 5th, 1994.

13 Q May 5th, 1994. I'm sorry. Exactly.

14 So each of those charges, and if we
15 look above on the chart we'll see the transfer date
16 of each of those charges. So the date the bills
17 were issued are the 5-5-94 through 1-23-94, correct?

18 A That's correct.

19 Q And it's your understanding that bills were
20 issued to Ms. Shaw for those charges at the time the
21 charges were incurred, correct?

22 A Yes.

1 MS. PASULKA-BROWN: Thank you.

2 I would move for the admission of
3 Peoples Exhibit 3, your Honor.

4 JUDGE BENN: Have any objection to the admission
5 of Peoples Exhibit 3, Ms. Shaw?

6 MS. SHAW: No, I don't, your Honor.

7 JUDGE BENN: Okay. Then I will allow Peoples
8 Exhibit 3 into the record.

9 (Whereupon, Respondent's
10 Exhibit No. 3 was received
11 in evidence.)

12 MS. PASULKA-BROWN: Thank you, your Honor.

13 Q And, Ms. Barragan, as you just testified
14 the bills regarding the Aberdeen charges that
15 Peoples Gas sent to Ms. Shaw were sent between
16 January 23, 1994 and May of 1995, correct?

17 A Yes.

18 Q And based on your review of Ms. Shaw's
19 account history and records at Peoples Gas, are you
20 aware of any complaint Ms. Shaw made regarding any
21 of those 1994 to 1995 Aberdeen charges prior to
22 2006?

1 A No.

2 MS. PASULKA-BROWN: Switching gears just a bit,
3 your Honor. I wanted to go into some of the
4 information on the complaint with Ms. Barragan. We
5 don't need to introduce it into the record, but I do
6 have copies to use as a reference.

7 JUDGE BENN: Okay.

8 MS. PASULKA-BROWN: Ms. Shaw, do you have this
9 in there or would you like this (indicating).

10 MS. SHAW: I do have it. Thank you.

11 MS. PASULKA-BROWN: Your Honor will recall that
12 I earlier stated that there is a balance of \$1492.46
13 on the account, so I wanted to just make it simple,
14 if I could, by walking through the numbers and the
15 bills referenced in the complaint to show how we got
16 down to that amount.

17 JUDGE BENN: Okay.

18 MS. PASULKA-BROWN: Q So Ms. Barragan, you have
19 in front of you a copy of the November 21, 2011,
20 formal complaint -- would you like this
21 (indicating)?

22 MS. SHAW: I have my own.

1 JUDGE BENN: We both do, so if you'd like -- you
2 have it, okay.

3 MS. PASULKA-BROWN: Q Ms. Barragan, you have in
4 front of you a copy of the complaint dated
5 November 21, 2011, formal complaint, correct?

6 A Yes.

7 Q And you have reviewed this complaint before
8 today, correct?

9 A Yes.

10 Q And if we turn to Page 2 of the complaint,
11 on that page in Paragraph No. 1 we see a reference
12 to an October 2010 bill in the amount of 2,700.13 --
13 I'm sorry, \$2713.21 that Ms. Shaw says that she
14 received on or about October 2010, correct?

15 A Yes.

16 MS. PASULKA-BROWN: And I believe we have
17 already introduced that particular bill in evidence.
18 I don't have a copy of it, so I don't remember what
19 number, but I'll just go by my copy, if that's all
20 right.

21 And, again, since you already
22 admitted, I'll just pass this out for purposes of

1 testimony (indicating).

2 Ms. Shaw, do you have this handy to
3 look at?

4 MS. SHAW: No.

5 MS. PASULKA-BROWN: (Indicating.)

6 Q Complainant's Exhibit No. 3, I believe, is
7 going to include a copy of this Peoples Gas bill,
8 dated October 7, 2010, which shows an amount due of
9 \$2,713.27, do you see that, Ms. Barragan?

10 A Yes.

11 Q And that \$2,713.27 on Complainant's
12 Exhibit 3 is the same \$2,713.27 referenced in her
13 formal complaint, correct?

14 A Yes.

15 Q And then if you go down to the second
16 sentence of Paragraph 1 of Ms. Shaw's complaint, she
17 is contesting not the whole \$2,713.27 but an amount
18 of \$2,586.72, for whatever reason, but that's the
19 amount she's contesting, do you see that?

20 A Yes.

21 Q Now, in reviewing the account history
22 relating to Ms. Shaw, did you discover a bill in the

1 amount of \$2,586.72 that was owed by Ms. Shaw?

2 A Yes.

3 MS. PASULKA-BROWN: I am going to mark now,
4 your Honor, for identification, a document that I
5 will label No. 4, Peoples 4.

6 (Whereupon, Respondent's
7 Exhibit No. 4 was marked
8 for identification.)

9 MS. PASULKA-BROWN: This is for you, Ms. Shaw.

10 MS. SHAW: Thank you.

11 MS. PASULKA-BROWN: Q Ms. Barragan, I put in
12 front of you a document that I've identified for the
13 record as Peoples Exhibit 4. I call this document a
14 summary. Are you familiar with what I've handed you
15 as Exhibit 4?

16 A Yes.

17 Q And can you describe for me, generally,
18 what this document is?

19 A It'll show a summary of Ms. Shaw's billing
20 information for the account number that's labeled at
21 the top.

22 Q Is that one of her Fairfield account

1 numbers?

2 A Yes.

3 Q And on this summary -- let me back up. I'm
4 sorry.

5 Is this a regular business record of
6 Peoples Gas?

7 A No.

8 Q And did you prepare this document?

9 A Yes.

10 Q Did you prepare this document for the
11 purposes of this proceeding?

12 A Yes.

13 Q What did you review to prepare this
14 document?

15 A The bills from the Aberdeen -- I'm sorry,
16 from the Fairfield address for that specific
17 account.

18 Q So you reviewed voluminous records like the
19 screen shot we previously discussed and the backup
20 to that screen shot?

21 A Yes.

22 Q So it would have been multiple years that

1 you were reviewing?

2 A Yes.

3 Q So did you prepare this to summarize all

4 the billing history relating to the charges that are

5 identified in the complaint?

6 A Yes.

7 Q And can you identify on what I've marked

8 for identification as Exhibit 4, the \$2,713.27 bill?

9 A Yes.

10 Q And describe for us where it lands on

11 Exhibit 4, please.

12 A It would be the 5th row.

13 Q The 5th row down under the column entitled,

14 Account Actual Balance, where I'm looking at and I

15 see that \$2,713.27?

16 A Yes.

17 Q And then do you also see on the summary you

18 prepared from the billing record, the \$2,586.72 that

19 is contested in Ms. Shaw's complaint?

20 A Yes.

21 Q And is that under the remarks column?

22 A Yes.

1 Q And can you walk us through how we get to
2 the ultimate number and amount that is currently due
3 by Ms. Shaw, which is 1492.46, starting with the
4 bill of \$2,713.27, what occurred in her account that
5 lead to the conclusion that she is now currently
6 obligated to pay Peoples Gas \$1,492.46?

7 A Yes, we have the bills that went out. So
8 on the far left you can see the read dates, when we
9 obtained the readings. So if you look at the
10 October 7, 2010 to November 5th, 2010, there was a
11 bill in the amount of \$77.41. There were also late
12 payment charges assessed, which is 43.92 and then
13 that brings us to the balance of \$2,834.60.

14 Q So subsequent to the bill referenced in
15 Ms. Shaw's formal complaint, there was an additional
16 77.41 for gas and late charges of 43.92, that
17 brought her new total, as of
18 November 5, 2010, to 2834.60, correct?

19 A Correct.

20 Q And then can you walk us through the other
21 changes in her account since October 5, 2010?

22 A Yes. So we continue to get bills and each

1 row will show the date that we obtained the bill,
2 the bill amount and any other charges that were
3 incurred. And we will also show any payments that
4 came in from the customer and then later on from
5 LIHEAP assistance.

6 Q So basically, if I could summarize, after
7 the October bill of \$2713.27 there were bills
8 between October 7, 2010 through May 6th, 2000- --
9 excuse me -- June --

10 A July --

11 Q -- June 7, 2011, but the billing date is
12 July 6th, 2011?

13 A Yes.

14 Q And all that column of billed amounts,
15 those were all the gas service charges. The next
16 column of payment amount reflects not only payments
17 by Ms. Shaw, for example, the payment of \$1,153, but
18 also a payment of 75 and then two LIHEAP payments of
19 565 on October 31st of 2011, and \$1,000 on
20 October 31st of 2011, correct?

21 A Yes.

22 Q So the charges incurred, the payments made,

1 the LIHEAP credits granted and then the late payment
2 charges takes us from the complaint bill amount of
3 2713.27 all the way down to a current balance due of
4 1,492.46, correct?

5 A Yes.

6 Q And that \$1,492.46 only \$763.95 is in
7 dispute in that matter because \$763.95 relates to
8 the transfer charges from Aberdeen, correct?

9 A Yes.

10 MS. PASULKA-BROWN: Your Honor, I would move to
11 admit this summary, as opposed to the voluminous
12 records backing it up, into the record for
13 convenience.

14 JUDGE BENN: Do you have any objection to that?

15 MS. SHAW: No, none at all.

16 JUDGE BENN: The summary identifying Peoples Gas
17 Exhibit 4 will be admitted into the record.

18 (Whereupon, Respondent's
19 Exhibit No. 4 was received
20 in evidence.)

21 JUDGE BENN: Back on the record.

22

1 (Whereupon, Respondent's
2 Exhibit No. 5 was marked
3 for identification.)

4 MS. PASULKA-BROWN: Q Ms. Barragan, I have just
5 handed you and passed out to Ms. Shaw and the
6 Hearing Examiner a document that I've identified as
7 Peoples Gas Exhibit 5. Can you take a look at that
8 and tell me if you're familiar with that document.

9 A Yes, I am familiar.

10 Q Can you tell us what it is.

11 A It's our communications panel in our
12 computer system.

13 Q And what does that mean?

14 A In there we'll find if letters are sent out
15 to the customer, what kind of letter it was, or if
16 there was any disputes placed on the account this is
17 where we'll see it.

18 Q And can you explain what this particular
19 communications window means.

20 A Sure.

21 On here, if you look at the
22 highlighted portion --

1 Q The dark part?

2 A Yes.

3 -- it shows that there was a current

4 bill dispute under communications sub type --

5 Q Where are you, I don't see it.

6 A Right here in the middle of the bar, it

7 says, Current bill dispute (indicating).

8 Q Okay. Thank you.

9 A -- that was placed by the customer. It

10 will tell us when we received it and that'll be on

11 the right-hand side.

12 Q And what date was the dispute received?

13 A May 17th, 2007.

14 And there'll be remarks as to why the

15 dispute was placed and on her it says, Account under

16 litigation with legal. And then it also shows what

17 date the dispute was closed. And that'll be on the

18 left-hand side. And it says, Date closed,

19 July 14th, 2010.

20 Q And for what reason was this dispute

21 closed?

22 A Because the case that was pending was

1 dismissed. And so there was no reason to keep these
2 receivables under dispute.

3 MS. PASULKA-BROWN: Your Honor, at this time I'd
4 move for admission of Peoples Gas Exhibit 5, for the
5 purposes of showing the length of the dispute on the
6 account and the reason charges were not reflected on
7 bills sent to Ms. Shaw.

8 JUDGE BENN: Ms. Shaw, do you have any objection
9 to the admission --

10 MS. SHAW: No.

11 JUDGE BENN: Okay. With no objection, Peoples
12 Gas Exhibit 5 will be admitted into the record.

13 (Whereupon, Respondent's
14 Exhibit No. 5 was received
15 in evidence.)

16 MS. PASULKA-BROWN: And, your Honor, I misspoke
17 earlier. I do have one other thing, we have to go
18 back to 2A.

19 JUDGE BENN: Yes.

20 MS. PASULKA-BROWN: Q So I would put this
21 before Ms. Barragan and ask your Honor and
22 Ms. Shaw to refer to the second page of Peoples

1 Gas admitted Exhibit 2, it's a page I previously
2 identified for the record as 2A. And I'm going to
3 show it to Ms. Barragan and I would like you to take
4 a look at that and let me know if you are familiar
5 with that document (indicating)?

6 A Yes.

7 Q And can you tell us what it is.

8 A On here it will show that there was a piece
9 of mail received from the customer.

10 Q And on what date?

11 A On October 20th, 2006.

12 Q And what else does it show?

13 A In the remarks it will show that -- what
14 was contained in the mail. The customer was
15 disputing transferred in charges of \$763.95 from
16 Account 8500000058465.

17 Q And whose account is that?

18 A That would be Ms. Shaw's account at the
19 Aberdeen address.

20 Q So the charges of \$763.95 that you just
21 referenced, are charges at Aberdeen, correct?

22 A Yes.

1 Q Go on, what else does it reflect?

2 A On here it says they spoke to Ms. Shaw on
3 10-27-2006, and explained the transferred in charges
4 and payment corrections for LIHEAP grants cancelled
5 by CEDA, \$100, 517 and 248 and that a transcript was
6 sent for Account 2500026737886 and duplicate bills
7 for the above account.

8 Q Thank you.

9 And what does it mean that a
10 transcript was sent?

11 A It means billing information was sent.

12 Q By whom? To whom?

13 A By this person, which is Forencia Diaz
14 to --

15 Q A Peoples Gas employee?

16 A Yes.

17 -- to the customer, Ms. Shaw.

18 Q Thank you.

19 And could you turn the exhibit to the
20 first page, which is Exhibit 2. How does
21 Exhibit 2A relate to Exhibit 2?

22 A In Exhibit 2 there's a mention of the

1 LIHEAP grants, the second paragraph to the last,
2 where it says, It was determined the grant payments
3 totaling \$791 credited to your account on
4 November 21st, 2005, and one of the \$100 payments
5 credited July 27th, 2006, were credited in error and
6 removed from your account.

7 Q Now, I'd like you to look at what was
8 already attached as Exhibit 1 to the motion in
9 limine regarding Fairfield. Can you please explain,
10 Ms. Barragan, how this document, which is Exhibit 2
11 and Exhibit 2A, relates to Exhibit 1 to the motion
12 in limine regarding Fairfield.

13 A This is the informal complaint that was
14 placed by Ms. Shaw. And in her complaint she
15 references she's disputing the \$763.95 transferred
16 bill from the 10114 South Aberdeen address. And she
17 also makes a mention in here about the CEDA grants
18 that were not applied to her account.

19 Q So is Exhibit 2 Peoples Gas response to
20 this informal?

21 A Yes.

22 Q And after Exhibit 2, dated December 8th,

1 2006, was sent by Peoples Gas to Ms. Shaw, did you
2 ever receive any further response from Ms. Shaw or
3 from anyone acting on her behalf?

4 A No.

5 Q But you are aware that at some point in
6 2007, there was a complaint filed in the Circuit
7 Court of Cook County, correct?

8 A Yes.

9 Q And that complaint did not have any issue
10 in dispute regarding the CEDA charges, correct?

11 A Correct.

12 Q It only referenced the \$763.95 from the
13 Aberdeen transfer, correct?

14 A Yes.

15 MS. PASULKA-BROWN: Your Honor, at this time I
16 would move for admission of 2A. Did I state that
17 already?

18 At this point we're ready to close,
19 your Honor. We have --

20 JUDGE BENN: You did state you were moving it,
21 but I never asked if there was an objection from
22 Ms. Shaw.

1 MS. PASULKA-BROWN: Sorry.

2 JUDGE BENN: Was there an objection for

3 Exhibit 2A from earlier?

4 MS. SHAW: No. No.

5 JUDGE BENN: Okay. Then Exhibit 2A will be

6 admitted into the record.

7 (Whereupon, Respondent's

8 Exhibit No. 2A was received

9 in evidence.)

10 JUDGE BENN: I'm also going to note that Counsel

11 has referenced the Exhibit 1 to the motion in limine

12 regarding 8157 South Fairfield as a referencing

13 document to that exhibit.

14 Okay. Proceed.

15 MS. PASULKA-BROWN: We're done, your Honor. And

16 we would submit the witness for cross-examination.

17 JUDGE BENN: Okay. Would you have any questions

18 for Ms. Barragan?

19 MS. SHAW: Yes. Yes, please.

20

21

22

1 CROSS-EXAMINATION

2 BY

3 MS. SHAW:

4 Q First of all, what is required in order to
5 receive service from Peoples Gas?

6 MS. PASULKA-BROWN: Objection, it's irrelevant.

7 MS. SHAW: Why is that irrelevant, when this is
8 saying that when I'm disputing the fact that I never
9 requested service? Something has to be -- there has
10 to be an outline from Peoples Gas in order for them
11 to get service. They don't just get it free. So I
12 don't think that that's irrelevant.

13 JUDGE BENN: Do you want to respond?

14 MS. PASULKA-BROWN: Simply that the dispute is
15 about the \$763.95 that Ms. Shaw does not dispute,
16 were charged based on her use of gas service at
17 Aberdeen and that doesn't really have anything to do
18 with how you go about obtaining service from Peoples
19 Gas, your Honor.

20 MS. SHAW: Actually, it does. I'm of the
21 opinion that it does because the bill was coming to
22 me and I disputed it. So I need to know what the

1 requirements are because according to -- I just need
2 to know. I don't think that's irrelevant.

3 JUDGE BENN: I'm going to overrule the
4 objection.

5 THE WITNESS: Can you restate the question?

6 MS. SHAW: Yes.

7 Q What is required in order to receive
8 service from Peoples Gas?

9 A A customer can either contact us by phone.
10 At that time we did have walk-in facilities where
11 you could go in and request the service. So you
12 would give us your information, your name, your
13 phone number and any identifying information that
14 you would want to supply in order to get the service
15 in your name.

16 Q Thank you.

17 Is it unusual for customers to say
18 they never received a bill?

19 MS. PASULKA-BROWN: Objection, your Honor. My
20 witness can't speak to that.

21 MS. SHAW: Well, you asked -- you said -- if I
22 could just go back to what the Counsel said.

1 The Counsel referred to me as saying
2 that I never received a bill. And so I think it
3 would only be logical for me to ask.

4 Q Is that unusual for someone to say that,
5 they never received a bill?

6 MS. PASULKA-BROWN: Your Honor, my --

7 JUDGE BENN: One second.

8 Could you restate the question that
9 you just asked?

10 MS. SHAW: Q Is it unusual for you as a
11 customer service rep, to hear that a customer says
12 they never received a bill?

13 MS. PASULKA-BROWN: Same objection.

14 JUDGE BENN: Hold on one second.

15 Counsel, what's your objection?

16 MS. PASULKA-BROWN: It's irrelevant and calls
17 for speculation. My witness has no basis on which
18 to answer that question.

19 JUDGE BENN: I'm going to sustain her objection.
20 You can go on to the next question.

21 MS. SHAW: Q When does account numbers change?
22 What determines that an account number should change

1 on a customer's account?

2 A There's various reasons why an account
3 number would change. Some of them would be if you
4 moved to a different location, that means we have to
5 assign you a new account number.

6 Another instance would be if you're
7 still residing at the same location, the service is
8 disconnected either for nonpayment or at the
9 customer's request and then the customer seeks to
10 restore service we would then assign a new account
11 number.

12 Q So once the customer -- if their services
13 have been disconnected, they make the proper
14 payment, service is restore, then they receive a new
15 account number.

16 A Yes.

17 Q Okay. You presented evidence -- well,
18 first, let me just back up just a second in regards
19 to the -- when the account number changes, perhaps
20 there's a disconnection and once it's restored then
21 the account is given a new account number.

22 And you said that over -- over what

1 period of time would those nine -- those nine new
2 account numbers -- do you have that record when
3 those nine -- you said there were nine different
4 account numbers under my current 8157 address, do
5 you have a record of that?

6 A I'm not sure of the time period, but there
7 was about nine of them.

8 Q Okay. So now there is about nine.

9 And it could have been either --
10 certainly it wouldn't have been because I moved. So
11 would you agree that it would be either because of a
12 disconnection and restoral?

13 A The majority of those were for the
14 Fairfield address. And, yes, that was the case,
15 there was a disconnect and then we reconnected the
16 service.

17 Q So the majority between '95, of those nine,
18 you say were at 8157 South -- the majority is
19 8157 South Fairfield.

20 A Yes.

21 Q So then what information that is stored in
22 your records to show the other addresses?

1 A I believe the only other one was the
2 Aberdeen address.

3 Q Okay. So then is it safe to say that of
4 those nine accounts, they all consisted of billing
5 that occurred at 8157 South Fairfield?

6 A With the exception of the Aberdeen address,
7 yes.

8 Q Okay. Billing question. I received a
9 letter from Peoples Gas, the billing question is
10 from 1989 through '93 --

11 JUDGE BENN: Excuse me. Ms. Shaw, which -- is
12 that a letter that's already been -- a copy of the
13 same letter that's already been introduced?

14 MS. SHAW: Yes.

15 JUDGE BENN: Could you refer to it as -- I mean,
16 you don't have the exhibit copy of it in front of
17 you, but I need to be clear --

18 MS. SHAW: Yeah, I don't have the --

19 JUDGE BENN: -- so what date is on that
20 letter -- the letter that you're looking at?

21 MS. SHAW: Dated December 8th, 2006.

22 MS. PASULKA-BROWN: That's Peoples Exhibit 2,

1 your Honor.

2 MS. SHAW: Sorry.

3 JUDGE BENN: That's okay. Refer to it as

4 Peoples Exhibit 2 so that we're clear.

5 MS. SHAW: Thank you. I apologize.

6 Q I'd like to refer to an exhibit that

7 Counsel presented, which shows the history of -- I

8 believe that would be --

9 MS. PASULKA-BROWN: The summary -- are you

10 talking about Peoples Exhibit 4?

11 MS. SHAW: Hold on one second.

12 This is Exhibit 3.

13 Q The history captured here on the second

14 page, it's from 1994 --

15 MS. PASULKA-BROWN: Hold on, please. Let me

16 just get it.

17 MS. SHAW: Okay. Sure.

18 MS. PASULKA-BROWN: I've got it.

19 MS. SHAW: Okay.

20 Q -- 1994 up to -- I guess it would be as far

21 as current. But Exhibit 2 shows a letter from

22 Peoples Gas that what is in question is from '89

1 through '95. Why isn't that captured?

2 MS. PASULKA-BROWN: Objection. I don't

3 understand your question.

4 MS. SHAW: It's --

5 JUDGE BENN: Hold on one second.

6 Could you repeat the question

7 regarding that.

8 MS. SHAW: So maybe I'll go back.

9 Q How far back would your history capture?

10 A Well, based on Exhibit 3, Page 2, it will

11 show as far back as January 23rd, 1994.

12 Q Okay. Thank you. But that's not the

13 question.

14 The question is, how far back will

15 your system allow you guys to go back to --

16 MS. PASULKA-BROWN: Objection.

17 MS. SHAW: Q -- to capture data?

18 MS. PASULKA-BROWN: Objection, irrelevant.

19 MS. SHAW: Well, I say that based on the letter,

20 evidence 2 presented, that what's in question from

21 Peoples Gas is from '89 to '95. And yet your

22 exhibit demonstrates -- or shows 1994 forward. So

1 there's a -- there's some confusion in regards to
2 this time period that you guys have in question.
3 That's why I ask.

4 JUDGE BENN: Hold on one second. Okay.

5 Would you like to reply.

6 MS. PASULKA-BROWN: If I could just clarify,
7 your Honor.

8 If you look at Peoples Exhibit 2, it's
9 the second paragraph that I believe Ms. Shaw is
10 referring to, it's states and I quote, Our records
11 indicate that your name and Social Security number
12 were used to obtain service at 10114 South Aberdeen
13 Street, house, from June 9, 1989 to April 30, 1995,
14 end quote.

15 That is simply the date service was in
16 Ms. Shaw's name at Aberdeen, not the date the
17 \$763.95 charges were incurred. Those were incurred
18 on the dates, per Ms. Barragan's prior testimony,
19 that are listed on Exhibit 3, Page 2.

20 Ms. Shaw did not have outstanding
21 unpaid amounts from Aberdeen all the way from 1989
22 through 1995. The charges that were transferred are

1 those that were specifically listed on Page 2 of
2 Exhibit 3.

3 JUDGE BENN: I'm going to sustain the objection.

4 MS. PASULKA-BROWN: Thank you, your Honor.

5 MS. SHAW: Actually --

6 JUDGE BENN: Before you go forward, you can't
7 continue in that line of questioning. You can ask a
8 different question regarding the same document, you
9 can do that.

10 MS. SHAW: Regarding -- oh, I can't --

11 JUDGE BENN: You can't repeat that question
12 because I sustained the objection.

13 MS. SHAW: Okay. That's fine.

14 Q And do you know -- is there any record of
15 termination of service from 10114 South Aberdeen?

16 A I'm not sure.

17 Q And lastly, how do -- do you know how --
18 how do they go about obtaining meter readings in
19 order for the bills to be generated -- based on --
20 what method is used in order for a bill to be
21 generated, I'll ask that.

22 MS. PASULKA-BROWN: Objection, relevance.

1 JUDGE BENN: So is the question, What method is
2 used to create the bill, generate the bill?

3 MS. SHAW: Yes. That's -- yeah.

4 MS. PASULKA-BROWN: Your Honor, there's no
5 dispute about -- or any allegations that the billing
6 or meter reading was improper in this case.

7 The intention is is that there was an
8 improper transfer.

9 MS. SHAW: Well, actually you don't know what my
10 intentions are.

11 JUDGE BENN: Can you state, what is your
12 rationale for the question that you just asked?

13 MS. SHAW: Based on before. I made a note to
14 review Counsel's Exhibit 4.

15 I have to apologize, again. I just
16 left my glasses and this has been so arduous for me.

17 May I look at yours, Counsel, please.

18 MS. PASULKA-BROWN: Sure. 4?

19 MS. SHAW: Please. Thank you.

20 MS. PASULKA-BROWN: Here you go (indicating).
21 You can keep that.

22 MS. SHAW: Well, I guess since you, Counsel --

1 I'm going to strike that because I can't -- thank
2 you very much (indicating) --

3 MS. PASULKA-BROWN: You can keep that.

4 MS. SHAW: -- it doesn't come to mind.

5 MS. PASULKA-BROWN: Just to make sure you have a
6 copy.

7 JUDGE BENN: That's fine. Any other questions?

8 MS. SHAW: No -- did I ask the screen show of --
9 yeah, I did.

10 That's it. Final question.

11 JUDGE BENN: Okay.

12 MS. SHAW: Final question.

13 JUDGE BENN: Okay. Any redirect, Counsel?

14 MS. PASULKA-BROWN: Just one small point, your
15 Honor.

16 REDIRECT EXAMINATION

17 BY

18 MS. PASULKA-BROWN:

19 Q I believe when Ms. Shaw was restating one
20 of your answers, she asked you if she could
21 summarize your statements regarding when accounts
22 were transferred by saying, when an account closed

1 after there's proper payment, another account would
2 be opened. Did she correctly summarize your
3 testimony, meaning, is it true that there has to be
4 proper payment for a new account number to be
5 opened? Or could it be, as we saw, that an amount
6 is in dispute so it's not transferred to the new
7 account?

8 A That's correct.

9 MS. PASULKA-BROWN: Thank you, your Honor.

10 JUDGE BENN: Okay. Counsel, are you putting on
11 another witness?

12 MS. PASULKA-BROWN: No, I am not, your Honor.

13 JUDGE BENN: Are you resting your case in chief?

14 MS. PASULKA-BROWN: I am ready to close briefly,
15 your Honor, and before I do so, I would renew our
16 motion -- or our oral motion for dismissal of the
17 disputed charges of \$763.95 as untimely since they
18 were incurred and billed in 1994 and 1995, and there
19 was no dispute about them in any forum until 2006,
20 when Ms. Shaw brought her informal complaint before
21 the Commission, your Honor.

22 JUDGE BENN: I'm going to -- any response to the

1 oral motion?

2 MS. SHAW: No -- yes, yes, there is.

3 JUDGE BENN: What is it?

4 MS. SHAW: I would like to say that based on the
5 evidence I have, I think Counsel's motion should be
6 dismissed, as well, because there is ample evidence
7 showing that there was a motion in place shortly
8 after it was brought to my attention that I received
9 a bill. So there's no time bar in that respect from
10 October to April, is six months that action was
11 taken. And so there is no time restraint in regards
12 to me making an attempt to resolve that. Two years
13 did not pass. And there is sufficient evidence to
14 support that.

15 In addition to -- and I don't know if
16 we brought this up or not, a part of her response,
17 if I may --

18 JUDGE BENN: Part of her --

19 MS. SHAW: Her initial response --

20 JUDGE BENN: -- response to the complaint?

21 MS. SHAW: Uhm-uhm.

22 JUDGE BENN: Okay. Go ahead.

1 MS. SHAW: It was part of her response was
2 saying that I never attempted to restore -- have
3 service restored or anything of that nature after
4 July, which is not true because there's evidence
5 that LIHEAP paid a portion of that bill. I went in
6 in October, which is when the service was
7 interrupted and this is evidence that I did attempt
8 to resolve that issue (indicating). And I don't
9 know if I presented this or not.

10 JUDGE BENN: You did not.

11 MS. SHAW: If you would allow and Counsel
12 doesn't mind, this is evidence to support the fact
13 that I did, in fact, request to have service
14 restored.

15 MS. PASULKA-BROWN: We would object only because
16 there's no issue regarding restoral of service in
17 this case, your Honor.

18 MS. SHAW: Well, that's what you said in your
19 response. Your response clearly said at no time did
20 I make an effort to have services restored after
21 July. This is in regards to -- this is sufficient
22 evidence to show that that is not true.

1 In fact, your witness said that in
2 order for a new account number to be issued out
3 there have to have been an arrangement made for
4 services to be restored.

5 Now, I have --

6 MS. PASULKA-BROWN: Your Honor, I would object
7 to the mischaracterization --

8 MS. SHAW: Excuse me. Excuse me. If I may
9 finish --

10 JUDGE BENN: Wait. Everyone wait one second.

11 Are you talking about making efforts
12 to restore service at 8157 South Fairfield?

13 MS. SHAW: Yes. That's what this whole -- the
14 crux of this is getting my service restored. My
15 services were interrupted based on the fact that
16 there was a 700 plus dollars that was attached to my
17 8157 Fairfield address despite my efforts of working
18 with them -- even before it got to this point that I
19 was willing to make payments on. They would not
20 allow me to make payments, which is not part of --
21 which is in default of the statutes, based on the
22 ICC administrative statutes. And then to say that I

1 never put forth an effort to have services restored
2 when, in fact, here is an application from LIHEAP
3 and even payments made to LIHEAP and a payment that
4 I made to support the fact that I did, in fact, try
5 to have services restored.

6 JUDGE BENN: What's the date of that document?

7 MS. SHAW: The date of this document is
8 October 19th, '11.

9 My services was interrupted in
10 October. And while Plaintiff (sic) says that I
11 never made an attempt to have services restored
12 after July that was because my services was still in
13 effect going on. My services were not interrupted
14 until October.

15 And while that is not a false
16 statement, based on what she's saying, it's false in
17 that I did make efforts to have services restored.
18 Peoples Gas did not comply with that at all.

19 JUDGE BENN: Okay.

20 MS. PASULKA-BROWN: If I may, your Honor.

21 JUDGE BENN: State your objection.

22 But I want you -- before you state

1 your objection take a look at that.

2 Please show her a copy.

3 MS. SHAW: That's a copy. She can have that.

4 JUDGE BENN: And I have a copy.

5 Are these the only copies you have?

6 MS. SHAW: I have three copies.

7 JUDGE BENN: Is that the original?

8 MS. SHAW: This is the original and a copy ---

9 JUDGE BENN: That's fine.

10 Take a look at that first, please.

11 And can you, while she's looking at

12 it, describe what it is and then I'll decide what's

13 going to happen with this.

14 MS. SHAW: This is an application for energy

15 assistance from the LIHEAP program for myself and my

16 family for Peoples Gas and for Commonwealth Edison.

17 This application was taken because my services were

18 interrupted.

19 The second letter shows that I had

20 zero assistance at the time. So they allowed me to

21 enter into the program based on this affidavit.

22 After LIHEAP considered my application I was then

1 informed that -- and which is customary, you have to
2 pay a \$75 portion -- my portion is \$75 before LIHEAP
3 will pay their portion. And the last page shows
4 that I did, in fact, do that. And LIHEAP paid their
5 portion.

6 This is evidence that I did make an
7 attempt to have my services restored in October
8 when, in fact, that's when the services was
9 disconnected.

10 JUDGE BENN: Counsel, your objection?

11 MS. PASULKA-BROWN: My objection is that this
12 document that we were just reviewing relating to
13 LIHEAP payment is not relevant in any way to the
14 \$763.95 that was transferred from Aberdeen, that's
15 No. 1.

16 No. 2, I would point out to your Honor
17 that on Exhibit 4, which is the summary -- Peoples
18 Exhibit 4, all of the LIHEAP payments that are
19 referenced on the document that we've just been
20 looking at, are accounted for in the summary and
21 have been part of the reason the outstanding balance
22 due by Ms. Shaw, as of this date, is \$1,492.46.

1 The fact that LIHEAP makes a payment
2 on behalf of a customer has nothing to do with
3 whether the customer has reapplied for restoration
4 of service.

5 In addition, your Honor, if you would
6 like me to mark for identification and/or admission
7 into the record, I have two letters that Peoples Gas
8 sent to Ms. Shaw, one dated December 2, 2011, which
9 is post the LIHEAP document, another dated
10 December 21 of 2011, asking Ms. Shaw to get in touch
11 with Peoples Gas if she chose to have her service
12 restored.

13 I will put these in the record, if
14 your Honor would like me to do so to kind of close
15 this loop. But I would suggest that it would be
16 more appropriate to simply not admit the LIHEAP
17 letter or the restoral letters because restoral is
18 not in issue in this matter, your Honor. It's
19 outside of the complaint.

20 JUDGE BENN: One second.

21 Okay. I'm going to admit the
22 Complainant's Exhibit 4, the LIHEAP assistant

1 program record.

2 I'm going to ask Ms. Shaw if you are
3 the person they make reference to here on the
4 document as Deborah Shan, S-h-a-n? Was that a typo?

5 MS. SHAW: Yeah, the second page will show when
6 I signed, I signed "Shaw," they may have thought it
7 was an "n".

8 MS. PASULKA-BROWN: Where is the typo? On
9 Page 1?

10 JUDGE BENN: Primary vendor and secondary
11 vendor.

12 MS. SHAW: It shows my Social Security number
13 and my name.

14 JUDGE BENN: Is your Social Security number on
15 this document?

16 MS. SHAW: Yes.

17 MS. PASULKA-BROWN: Oh, I see. I'm sorry.

18 JUDGE BENN: I'm going to ask that all parties
19 redact it, both Social Security numbers appearing at
20 the top of the document before we admit it into the
21 record.

22 And this will be Complainant's Exhibit

1 4.

2 I'm going to admit it over your
3 objection, Counsel.

4 (Whereupon, Complainant's
5 Exhibit No. 4 was received
6 in evidence.)

7 JUDGE BENN: And can you please show Ms. Shaw
8 your exhibit.

9 MS. PASULKA-BROWN: Certainly.

10 I will mark them for identification
11 and move for admission of both of them. And it will
12 be Peoples Exhibit 6.

13 (Whereupon, Respondent's
14 Exhibit No. 6 was marked
15 for identification.)

16 MS. PASULKA-BROWN: And again I'd point that,
17 yes, Ms. Shaw asked for restoral of service as
18 relief. But her complaint is about whether or not
19 the Aberdeen charges were properly transferred and
20 she's either liable or not for the dollars due. And
21 that doesn't have anything to do with restoral of
22 service.

1 If she calls and answers our letters
2 and request service properly pursuant to the rules
3 and practices of the Commission and Peoples Gas then
4 we can talk about restoring service. But it's not
5 an issue that's resolved in this proceeding, your
6 Honor, based on her claim of an improper transfer.

7 So I'm going to put Exhibit 6, for
8 identification before Ms. Barragan, so she can lay
9 the foundation.

10 SOLEIDAD BARRAGAN,
11 recalled as a witness herein, and after having been
12 first duly sworn, was examined and testified as
13 follows:

14 FURTHER REDIRECT EXAMINATION

15 BY

16 MS. PASULKA-BROWN:

17 Q Ms. Barragan, could you review Peoples
18 Exhibit 6, please (indicating).

19 A Yes.

20 Q And when you're done reviewing it, can you
21 tell me whether you're familiar with Peoples
22 Exhibit 6.

1 A Yes, I am.

2 Q And can you describe what Peoples Exhibit 6

3 is?

4 A This is a letter that I sent out to

5 Ms. Shaw.

6 Q On what date?

7 A On December 2nd, 2011.

8 Q And what does the letter refer to?

9 A On the letter it states, I have attempted

10 contacting you via telephone, but have been

11 unsuccessful. We have received your request for a

12 formal hearing through the Illinois Commerce

13 Commission. We want to know if you still require

14 gas service at the above-mentioned location.

15 Q And that location is what?

16 A 8157 South Fairfield Avenue.

17 Q Go on, please.

18 A If so, please contact me so we can schedule

19 an appointment. And then I have my number and my

20 name.

21 Q And that's Page 1 of Peoples Exhibit 6.

22 Can you turn to Page 2 of Peoples

1 Exhibit 6, please.

2 A Okay.

3 Q And describe that.

4 A This was a follow-up letter sent to
5 Ms. Shaw because I did not receive any call from
6 her after the first letter that I sent her.

7 Q And what's the date of this second
8 letter?

9 A December 21st, 2011.

10 Q And what's the nature of the second
11 letter?

12 A This letter states, We have attempted
13 contacting you via telephone, but have been
14 unsuccessful. We also sent a letter to you on
15 December 2nd, 2011, but have not heard back from
16 you. We want to know if you still require gas
17 service at the above-mentioned location -- which is
18 the 8157 South Fairfield -- and if so, please
19 contact me so we can schedule an appointment.

20 Q Did you ever receive a call or a written
21 response from Ms. Shaw regarding their letter dated
22 December 21, 2011?

1 A No.

2 Q And you said, I believe, that you never
3 received a call or a written response from
4 Mr. Shaw regarding the letter December 2, 2011,
5 correct?

6 A That's correct.

7 Q So as far as Peoples Gas is concerned,
8 there has been no request, pursuant to the practices
9 and the rules for requesting services by the Company
10 and the Commission, by Ms. Shaw for services -- for
11 service at the 8157 South Fairfield address, is that
12 correct?

13 A That's correct.

14 Q Does the crediting of LIHEAP payment
15 constitute a request for service?

16 A No.

17 MS. PASULKA-BROWN: Thank you.

18 MS. SHAW: May I please respond?

19 JUDGE BENN: Yes. Any objection to --

20 MS. SHAW: Yes.

21

22

1 FURTHER RECROSS EXAMINATION

2 BY

3 MS. SHAW:

4 Q You're Ms. Soledad?

5 A Uh-hum.

6 Q We spoke on the phone several times.

7 A That's correct.

8 JUDGE BENN: One second. Before you start that

9 question.

10 Do you have any objection to the

11 exhibits -- the admission of the exhibits.

12 MS. SHAW: I do.

13 JUDGE BENN: Okay.

14 MS. SHAW: I have an objection.

15 JUDGE BENN: Could you state your objection to

16 the exhibits.

17 MS. SHAW: Yes. My objection, one, is because

18 of the time frame in December. My services are

19 interrupted in October. I was not in my home from

20 December to March -- from October to March. So if

21 these letters came, they never came to me.

22 We had been communicating -- I've been

1 communicating with Ms. Soledad in regards to this
2 and Ms. Soledad even informed me that in order for
3 this to be rectified and my services to be restored,
4 there was not an agreement that would allow me --

5 MS. PASULKA-BROWN: Objection to hearsay, your
6 Honor.

7 MS. SHAW: Well -- okay.

8 JUDGE BENN: Sustained.

9 MS. SHAW: Well, I was not in my home from
10 October to March 1st. So phone calls or -- my
11 telephone service is interrupted because I had no
12 income. So I did not receive these correspondences
13 from Peoples Gas. And the fact that I was in
14 communication with Ms. Soledad -- I can't give you
15 an exact time period, I thought I had that note with
16 me, but this is irrelevant because I wasn't there to
17 receive it.

18 JUDGE BENN: I'm going to overrule your
19 objection to the exhibits and they are relevant.

20 As in response to your Exhibit 4, also
21 going to ask one question of Ms. Barragan.

22

1 EXAMINATION

2 BY

3 JUDGE BENN:

4 Q Can you explain, if you can explain, why
5 the letters are not on letterhead from Peoples Gas?

6 A These copies are not. The copy that I sent
7 to Ms. Shaw did have the letterhead on there.

8 Q Okay. And are you maintaining that you
9 prepared these?

10 A Yes.

11 MS. PASULKA-BROWN: Your Honor, just for the
12 record --

13 FURTHER REDIRECT EXAMINATION

14 BY

15 MS. PASULKA-BROWN:

16 Q Like your Honor just stated, you prepared
17 this letter yourself, correct?

18 A Yes.

19 Q And this is a printout from the computers
20 at Peoples Gas, correct?

21 A Yes.

22 Q And the letters that are issued to

1 customers are printed out and put on letterhead
2 after that, correct?

3 A Yes.

4 Q And Peoples Gas maintains copies of letters
5 and transmittal communications to customers in this
6 manner typically, correct?

7 A Yes.

8 MS. PASULKA-BROWN: Thank you.

9 JUDGE BENN: I'm going to admit into the record
10 Peoples Gas Exhibit 6, the letters regarding the
11 restoral of service, over the objection of the
12 Complainant.

13 (Whereupon, Respondent's
14 Exhibit No. 6 was received
15 in evidence.)

16 JUDGE BENN: And going back to Complainant's
17 Exhibit 4, I wanted to clarify what I'm redacting
18 and then it'll be part of the actual record.

19 I've redacted the column at the upper
20 left-hand, entitled, SSN, which is also known as
21 Social Security Number. I've also redacted the
22 first name, middle initial and last name of the

1 second line, which is another name of someone who is
2 not a party to this complaint. I have also redacted
3 the column regarding birthdates and the column
4 regarding ethnic group from the first page of
5 Complainant's Exhibit 4.

6 The second page of Complainant's
7 Exhibit I've redacted at the bottom of the page
8 where it says, Print name of Applicant, and then
9 again SSN, which purports to be the Complainant's
10 Social Security number has been redacted from the
11 document.

12 And when this exhibit becomes a matter
13 of the record it will be copied with the redacted
14 portions as referenced.

15 Is there any objection from Counsel at
16 all or from Ms. Shaw?

17 MS. SHAW: No.

18 MS. PASULKA-BROWN: No, your Honor.

19 JUDGE BENN: All right. We can now go forward
20 and what I'm going to allow -- first, before you go,
21 Counsel, with your closing, I'll allow Ms. Shaw to
22 have a brief closing.

1 MS. PASULKA-BROWN: Thank you.

2 JUDGE BENN: So you're resting your case in
3 chief. And I have denied your motion to -- I'm
4 denying your motion to dismiss the complaint as to
5 the \$763 and change as time barred at this time.

6 I'm going to give you an opportunity
7 to make a brief closing statement about this
8 complaint and why you should receive the relief
9 you're seeking, to the extent that it's not barred
10 by the motions in limine, and I'll let her go.

11 MS. SHAW: Well, I believe that I should be
12 granted to have my services restored and that this
13 charge was assigned to a bill that had a zero
14 balance. And despite my efforts to cooperatively
15 work with Peoples Gas, they were not yielding. And
16 even though Counsel says that it's separate and
17 apart, billing shows that it was a combined bill
18 with the 700 and -- 700 -- whatever the charges
19 are -- I'm sorry -- the 700 plus charges from
20 10114 Aberdeen was included on the 8157, payments
21 were made on a combined bill and my services were
22 still interrupted.

1 So my services should be restored if
2 Counsel is saying that -- it has nothing to do with
3 8157 -- disconnection had nothing to do with
4 8157 South Fairfield, but rather with the address at
5 101 and Aberdeen, then my services should be
6 restored immediately.

7 JUDGE BENN: Okay.

8 Closing from Counsel.

9 MS. PASULKA-BROWN: Your Honor, the testimony
10 and the evidence we've presented shows that
11 Ms. Shaw's current balance throughout this
12 proceeding has been -- and ever since the credit of
13 the last payment in which her, Peoples Exhibit 4,
14 was \$1000 on October 31st, 2011. After that last
15 payment was made the balance on Ms. Shaw's account
16 that she is liable for to Peoples Gas is \$1,492.46.
17 That amount is outstanding currently, was not paid
18 and has been outstanding since the October 2011
19 date.

20 I don't know what the reference to a
21 zero balance is, but it's inaccurate. There is --
22 the \$1492.46 consists of the \$763.95 that she's

1 responsible for from Aberdeen and the balance of
2 that \$1492.46, which equals to \$728.51, is an amount
3 that was due, billed and unpaid from services that
4 Ms. Shaw received at Fairfield. Those two together
5 total 1492.46.

6 And pursuant to the rules of the
7 Commission when there's an outstanding balance there
8 needn't be a restoral of service, Number One, until
9 that is taken care of.

10 And Number Two, there has been no
11 request for a restoral of service. The payment of
12 LIHEAP credits and the application of those credits
13 to an outstanding bill does not constitute a request
14 for service under the Commission rules or Peoples
15 Gas practices.

16 So there's been no request for a
17 restoral of service, despite efforts, not only
18 through the letters, but through prior hearings in
19 this particular proceeding when that specific matter
20 was discussed with Ms. Shaw. There has been no
21 request and there has been none to date. If there
22 is, that's a matter between the Company and

1 Ms. Shaw as they work out not only what's in dispute
2 in this Commission, which is \$763.95, but the other
3 remaining unpaid balance on Fairfield, which at this
4 point is \$728.51.

5 Your Honor, I would request that the
6 complaint be denied. The relief is not relief to
7 which the Complainant is entitled.

8 With respect to punitive damages, your
9 Honor has already ruled on the motion in limine with
10 respect to restoral of service. That is not
11 appropriate relief when there is outstanding monies
12 that are in dispute in this proceeding and other
13 outstanding monies, in particular \$728.51, that is
14 not disputed at all in this proceeding or otherwise.
15 It was admitted earlier that there is no challenge
16 to the monies that are outstanding and due on
17 Fairfield.

18 So there is no basis on which restoral
19 of service can be granted as a result of this
20 proceeding.

21 JUDGE BENN: Okay. Thank you, Counsel.

22 Thank you, Ms. Shaw.

1 I'm going to note the arguments have
2 been made by both sides, the testimony that has been
3 offered and the exhibits that have been introduced
4 into the record.

5 I'll mark this record heard and taken
6 at this point. And let you understand that I will
7 be issuing a proposed order with a proposed
8 resolution on this complaint for the parties to
9 consider and I'll follow-up with a recommendation to
10 the Commission on the disposition of this complaint.

11 With that the matter is closed and
12 marked heard and taken. And I thank both sides for
13 their time.

14 MS. SHAW: Thank you.

15 MS. PASULKA-BROWN: Thank you, your Honor.

16 (Whereupon, Complainant's
17 Exhibits 2, 3, and 4 were
18 marked for identification.)

19 HEARD AND TAKEN

20

21

22